

Law Enforcement News

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Bias-related crime: ripping at society's fabric

By Jennifer Nialow
First of three parts.

As 1986 draw to a close and the new year began, events in an isolated working-class community in New York City and in a small county just outside of Atlanta, Ga., cast a searing spotlight on an aspect of American life that some contend is as homegrown as apple pie — bias-motivated violence and criminality.

The glare from that spotlight described a picture of the melting pot that is the United States churning into a cauldron about to boil over with xenophobic fear and hatred.

The tragic death of a young black man at the hands of a gang of white teenagers in Howard Beach, N.Y., and the flurry of activity by the Ku Klux Klan and other organized hate groups in all-white Forsyth County, Ga., riveted attention on racially motivated crime and violence, and, by extension, on crimes directed against particular ethnic groups or against homosexuals. However, the true scope of the problem has not been gauged by law enforcement agencies or citizen-based watchdog groups.

It's All in Who You Ask

Is the problem of bias-related crime increasing, decreasing or holding steady? The answer appears to depend in large measure

on whom one asks, which victimized group they represent, and how thorough a news-clipping service that individual subscribes to.

Organizations such as the Southern Poverty Law Center in Montgomery, Ala., and the Anti-Defamation League of B'nai B'rith keep track of bias-related incidents, but their efforts paint only a partial picture, and even at best are hampered by the absence of any national uniform crime reporting system for recording bias-related crimes as such. As often as not, crimes such as defacement of property with racial or ethnic slurs are reported as vandalism, with no mention of the quality of the crime. Assaults are typically reported as assaults, without mention of possible racial underpinnings.

In addition, bias-related crimes are seriously underreported by victims — by more than 50 percent, according to some estimates. Such factors make it "virtually impossible for police to determine the scope or savarity of hate violence cases or to detect trends in these offenses over time," according to a 1984 report by the National Organization of Black Law Enforcement Executives (NOBLE).

The tracking of bias-related crime is usually done through

Experts find no easy way to gauge scope of problem, but hunches say it's rising

reports of incidents from various branches of groups such as the Anti-Defamation League and the National Association for the Advancement of Colored People (NAACP), or by simply keeping up with newspaper accounts.

"We monitor activities through newspaper clippings that we see and other information we receive," said Pat Clark of the Southern Poverty Law Center's Klan Watch Project.

The SPLC is among the agencies and individuals contending that there is an increase in bias-related crime, violence and hostility around the country although there is a dearth of statistics to prove it.

"We feel there has been an increase," Clark told Law Enforce-

ment News. "Whether we can state that emphatically is hard to do because of the lack of really good reporting."

Playing the Hunches

Police Chief Peter Ronstadt of Tucson, Ariz., is also plagued by the lack of definitive statistics, but falls back on his veteran policeman's instincts to assess the problem.

"I don't think it's as prevalent today as people think it is," noted Ronstadt, "but I think it is increasing. I don't have any numbers. It just seems to be when you listen to general conversation. It's especially true among young people. In general conversation you'll hear kids using pejorative terms" to describe different ethnic or racial groups.

Undersheriff Larry Broadbent of Kootenai County, Idaho, said that although he has no "facts or figures" to bolster his view, he believes there is "somewhat" of an increase in bias-related incidents.

Broadbent has become an expert on the new wave of paramilitary, white-supremacist groups like the Aryan Nations, which has its headquarters in Kootenai County. The group was responsible for several bombings there in the past few years, including attacks on a Federal building and on the home of

Father Bill Wassmuth, a Catholic priest.

Some Decreasea Noted

There are some departments, however, which do keep separate records of bias-related crime. Departments in New York City, Nassau County, N.Y., and Baltimore County, Md., along with the Maryland State Police and the Pennsylvania State Police, have all set up specialized units or established policies to record and investigate bias-related crimes as such.

Further confounding efforts to accurately gauge the bias-crime picture, the statistics in Nassau County and New York City reflect a downward trend in bias crimes from 1985 to 1986.

According to Insp. Kenneth Cary of the Nassau County Police Department, in 1985 the department recorded 96 bias crimes — predominantly criminal mischief and harassment, he said. In 1986, the department recorded an all-time low of 53 such crimes. Cary expressed doubts, however, as to whether that low figure would ever be matched again, since the first two months of this year showed a slight increase.

In New York City, the department's Bias Incident Investigating Unit recorded 235 crimes in 1986 and 286 in 1985.

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Supreme Court OK's Alabama trooper quotas

Overruling the Reagan Administration's stance in opposition to minority hiring and promotional quotas, the United States Supreme Court last month upheld a Federal District Court ruling requiring the state of Alabama to promote one black state trooper for each white one promoted in an effort to compensate for dramatic past discrimination against blacks.

The 5-to-4 decision was made in the light of the Alabama State Police's long history of discrimination and resistance to court-ordered change. The decision upheld by the Supreme Court in *United States v. Paradise* date back to 1983 and 1984 when a lower court ruled that as long as qualified blacks were available, promotions had to be made one-for-one until the state adopted acceptable promotional procedures.

Blacks had been totally excluded from the state police until a 1972 court order forced their hiring.

It was the "pervasive, systematic and obstinate discriminatory conduct of the department [that] created a profound need and a firm justification for the race-conscious relief ordered by the district court," according to Justice William J. Brennan. Brennan's opinion was joined by Justice Thurgood Marshall, Harry A. Blackmun and Lewis F. Powell Jr.

Citing decisions issued last year, Brennan said, "It is now well-established that government bodies, including courts, may constitutionally employ racial classifications essential to remedy unlawful treatment of racial or ethnic groups subject to discrimination."

Dissenting from the court's ruling were Chief Justice William H. Rehnquist and Associate Justice Antonin Scalia, both of whom have consistently opposed racial quotas as a means of compensating

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Blue-ribbon panel urges:

New look for Philadelphia police

Philadelphians generally like their police department and the job it does, according to a long-awaited management study, but the department's development appears to have bogged down and steps should be taken toward adopting a more community-oriented approach to policing and moving away from a focus on crime fighting.

The 10-month management study, commissioned in May 1986 by Police Commissioner Kevin M. Tucker, was conducted by a blue-ribbon panel of experts in law, management and business. Tucker's stated aim was to get an independent overview of the department and its potential, and to "be able to draw a blueprint" of long- and short-term strategies for the department's development over the next year and the next five years.

After studying the policing environment and the history of the department, the Philadelphia Police Study Task Force called

for the department to shift non-crime fighting police duties from a "secondary responsibility to a central one."

According to a pre-publication copy of the task force's report, obtained at press time by Law Enforcement News, the police are "uniquely qualified" to deal with situations such as helping accident or crime victims, providing emergency medical service, controlling automobile and pedestrian traffic and providing models of citizenship.

Currently, the task force said, the police department's strategy focuses more on crime control than it does on the need to form a "partnership" with the public. Tucker must create an "explicit mission statement" that will guide plans toward a greater emphasis on a problem-solving approach to policing.

The study outlined several recommendations for implementation of this goal. Among them was a suggestion that geographic

designations of police divisions and districts by redrafted to increase the amount of policing provided and recognize natural community boundaries.

The task force's study and report closely parallel the final report of a special mayoral advisory committee on policing in New York. That report, released late last month, also stresses a community-oriented or problem-solving approach to policing, and recommends similar improvements in police recruitment, training, education and personnel practices.

(For more on the report of the New York advisory committee, see LEN, Dec. 9, 1986, and watch for coverage in future issues.)

The Philadelphia task force urged increases in the number of civilians employees who specialize in training, law and technology. Contracts with unions representing these

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Around the Nation

Northeast

MARYLAND — The number of violent crimes reported to the Baltimore Police Department in 1986 decreased 1.7 percent compared to the previous year, according to police statistics. Property crimes were up by .8 percent, for an aggregate increase of .2 percent for all serious crimes.

Howard County Executive Elizabeth Boho will appoint a search committee to find a replacement for Col. Paul H. Rappaport as county police chief. Rappaport, whose future has been in doubt since last May, when the local police union twice voted "no confidence" in him, has been chief since 1979. His resignation is effective May 8.

NEW JERSEY — The State Supreme Court this month upheld the state's death penalty law, ruling that it does not constitute cruel and unusual punishment.

NEW YORK — A fireworks expert wanted in the bombings of several New York City abortion clinics surrendered to Federal agents Feb. 24, less than 24 hours after John Cardinal O'Connor delivered a televised plea for the man to turn himself in. Dennis J. Malvasi, 37, described by authorities as an anti-abortion zealot, told agents of the Bureau of Alcohol, Tobacco and Firearms that he had come in as a "direct result" of the Cardinal's appeal. "It's hard to turn down the Cardinal," Malvasi reportedly said.

The State Senate last month approved legislation that would restore the death penalty in some murder cases. However, even if the legislation passes the Assembly, it still faces a certain veto from Gov. Mario Cuomo, who has routinely vetoed such legislation in the past and has said he will do so again.

New York City Police Commissioner Benjamin Ward proposed March 4 that 1,000 more officers be hired during the 1988 fiscal year, which begins July 1. The proposal, if approved, would bring the department's authorized strength to 30,600 sworn officers, the level before the city's budget crisis in the mid-1970's.

PENNSYLVANIA — Wilkinsburg Police Chief Robert Thomas has barred his officers from wearing T-shirts depicting the face of former "Our Gang" star Buckwheat. The shirts, which were worn by both black and white officers, bore the inscription "Wilkinsburg police are oh-tay."

The next election for sheriff in Washington County may be two years, but Ferald E. Littleton has already made it known that he's a candidate. Littleton, 39, a

Democrat who is now the county's chief deputy sheriff, hopes to succeed James Fazzoni, who plans to retire when his term expires in December 1989.

Southeast

ALABAMA — The state prison system last month opened an eight-person isolation ward for maximum-security inmates suffering from AIDS, the Acquired Immune Deficiency Syndrome.

FLORIDA — A local judge has begun sentencing boys who get into trouble with the law to attend weekly meetings of a Boy Scout troop. Judge Keith Brace, who started the program in January, has so far ordered seven boys, none of whom are hard-core juvenile offenders, to join Troop 750, led by Larry Sayer, a correction officer at the Okaloosa County Jail.

NORTH CAROLINA — The Legislature has approved an emergency \$29.6-million prison appropriation to build new medium- and minimum-security facilities. The action was taken to halt triple-hunking of inmates and avert a Federal takeover of the prison system.

SOUTH CAROLINA — Marion Martin plans to appeal his dismissal as the only police officer in the town of Fort Lawn. Martin was sacked for allegedly spending \$384.22 on emergency patrol car repairs, in violation of a town council rule that expenses over \$25 must be approved.

VIRGINIA — The State Police plans to revive motorcycle patrols on highways in northern Virginia, in a one-year pilot program due to begin on April 1. If the project proves successful, five troopers on motorcycles will patrol the Interstate highways in the northern part of the state, and five more will work in the Tidewater area.

Two Richmond city councilmen have said they will introduce ordinances to impose a minimum 15-day waiting period for the purchase of handguns and armor-piercing ammunition. The proposed ordinances could be made moot in the face of recently approved state legislation that would bar municipalities from enacting gun-control laws without specific authorization from the General Assembly. That legislation is awaiting action by Gov. Gerald L. Baliles.

Midwest

ILLINOIS — The DuPage County Board's public safety commit-

tee is studying a proposal to build a two-story addition to the county jail to help relieve overcrowding and to create a special confinement and treatment center for repeat drunken drivers. Sheriff Richard Doria estimated that a 110-bed addition would cost from \$2 million to \$2.5 million, if built to maximum-security specifications.

The 16-year-old son of a Chicago police officer was convicted Feb. 28 of murder for shooting his father to death while the man slept. James Lampman Jr. was planning to runaway from home when he shot his father, James Lampman Sr., 35, once in the back of the head on Dec. 26, 1985.

MICHIGAN — Plans are underway to tighten the state's rape law, following a court ruling that freed a man convicted of raping his estranged wife. Michigan law does not permit a person to be charged with raping his or her spouse unless they are living apart and one of the parties has filed for divorce. The State Senate's judiciary committee and the Michigan Prosecuting Attorneys Association are studying changes in the law that may be needed in the wake of the ruling by the state Court of Appeals.

OHIO — A Cleveland police officer who reportedly taught Police Chief Howard E. Rudolph a lot about law enforcement was honored last month as the city's Police Officer of the Year. Patrolman William Richards, who retired last month after 29 years on the job, was honored by the department for his off-duty actions in breaking up an attempted kidnapping and helping save the life of a 22-year-old woman. Richards was Rudolph's partner for a time during the 1960's.

Plains States

MINNESOTA — The Legislature is due to consider at least two bills this year that would regulate or restrict drug testing by employers. One bill, offered by State Senator Don Storm, would require public and private employers that test for drugs and alcohol to follow certain standards, including the notification of employees and the adoption of written testing policies. Another bill, being prepared by Rep. Sandra Pappas, would restrict testing to those whose jobs affect public safety and those whose actions point to a probable drug abuse problem. Pre-employment testing would not be generally allowed under Pappas' plan.

MISSOURI — Police Chief Ray Johnson of Cape Girardeau has taken a step to protect the non-smokers in his department, by designating all newly delivered

police cars as non-smoking vehicles. Johnson said the move was "part of a continuing effort to encourage officers to kick their smoking habit or to at least lessen their dependence on tobacco." The action also represents an extension of a citywide effort to restrict smoking and tobacco use in all city-owned buildings.

MONTANA — An independent consultant has reported that the state Corrections Department will require a \$56-million annual budget by 1993 if the inmate population continues to grow at just half the present rate. The 1987 budget for the prison system is \$18.6 million, for 1,090 inmates.

NEBRASKA — The city of Omaha recorded 244 arson cases in 1986, according to arson investigator Vernon Trapp. The arsons, which caused an estimated \$2.2 million in damage, represented an increase of 64 cases from 1985.

NORTH DAKOTA — Thomas G. Harrelson, a white supremacist on the FBI's "Most Wanted" list, surrendered at a police roadblock last month after waiting in a getaway car during a bank robbery. Harrelson was wanted in connection with a bank robbery in Illinois last August.

SOUTH DAKOTA — Reports of child abuse in the state jumped from 4,890 in 1981 to 10,093 in 1986, officials say. The number of substantiated cases totaled 3,531 in 1981, and 4,606 last year.

Southwest

COLORADO — A district judge has denied a defense request that a 13-year-old murder defendant be released from custody so that a professed expert in demon possession could exorcise her before trial. Kathryn Torgler is charged with shooting her eight-year-old sister to death in 1986.

For the first time in five years, the Colorado State Patrol has honored troopers with its highest award for valor. The medal of valor, presented only 13 times previously in the patrol's 52-year history, was presented to Troopers Gary Gordon, Sherman Kennell, James Machesky, Bruce Sheetz and Tohy Taylor.

Five Aurora police officers pleaded guilty last month to misdemeanor theft charges stemming from an investigation into their off-duty employment. The five were among seven officers suspended with pay last Nov. 19 following accusations that they claimed to have worked hours at their off-duty security jobs that they didn't actually work. Two of



ficers were cleared, and all returned to duty in January.

TEXAS — A Houston Police Department traffic program credited with helping reduce traffic fatalities is due to be discontinued at the end of this month due to a lack of funding. The Radar Selected Traffic Enforcement Program, which was supported by Federal and state funding, has been in operation for more than two years on Houston-area freeways.

Far West

CALIFORNIA — One out of every 128 residents had their car stolen in 1986, according to Highway Patrol statistics. The patrol recorded 208,064 stolen vehicles last year, an increase of 16 percent from 1985.

The first recruitment drive since 1984 by the San Francisco County Sheriff's Department has been hailed as a glittering success by Sheriff Michael Hennessey. The sheriff said the campaign, conducted last September and October, was the most fruitful of three successive efforts to boost the ranks of minorities and women in the hiring pool. More than 80 percent of the 1,200 initial applicants during the last hiring drive were women or members of minority groups.

NEVADA — The State Senate judiciary committee has rejected a bill that would have required that jail sentences be automatically doubled for anyone convicted of a crime against persons 55 or older.

The level of damages from arson fires in Clark County in 1986 was the highest since 1982, reversing a four-year decline in losses from arson, according to statistics released by the Clark County Fire Department. Arson losses last year reached more than \$4.9 million, compared to \$1.15 million in 1985. Fire investigators probed 357 deliberate fires last year, up 11 from 1985.

Coming up in LEN:

An interview with
Chief
Bernard Sullivan
of the
Hartford, Conn.,
Police Department

Only in
Law Enforcement News

Minneapolis finds most 911 calls come from just a few locations

While the 911 telephone system was set up to deal with urgent calls for law enforcement assistance, a recent study in Minneapolis shows that less than 5 percent of all businesses and residences in the city generated 64 percent of all calls to 911.

Less than 2 percent of the 321,174 calls to 911 were for stranger-to-stranger violent crime.

The study was conducted by the Crime Control Institute from Dec. 15, 1985, to Dec. 15, 1986. Researchers found that typical

repeat callers to the 911 emergency number were department and discount stores, 24-hour convenience stores, liquor stores, public housing projects and several apartment buildings.

Sixty percent of the estimated 172,000 addresses and intersections in Minneapolis generated no calls for police service, according to the study. Of the remainder, 52 percent made only one call. Eighty-four percent made fewer than five calls to police.

According to Prof. Lawrence Sherman, president of the in-

stitute, the increase in the use of 911 systems has produced a "dial-a-cop" effect.

"Gradually, with little public notice, police managers have lost control over how police spend their time," said Sherman. "The usurper is the telephone, and a common policy that requires all calls to be answered rapidly."

Sherman said that 32.5 percent of all calls were for disturbances or fights, and 28.4 percent were for property-related crimes in

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Buffalo PBA helps its own with post-shooting trauma program

Acknowledging the terrible toll that the on-duty use of deadly force can sometimes inflict on police officers, the Buffalo, N.Y., Police Benevolent Association (PBA) has begun a program to provide officers involved in shooting incidents with additional legal and psychological assistance.

According to PBA president Larry J. Baehre, the union has retained an attorney, Thomas H. Burton, so that any officer involved in a shooting or other incident in which citizens are hurt or killed can get immediate legal aid.

In addition, Baehre said, the police department's chaplain has been taking specialized training courses so that he can provide

more emotional support for officers involved in shootings, as well as for the families of those officers.

The program was not developed in response to any current problem the department might be having with deadly force, Baehre stressed. The last time a citizen was killed by a Buffalo city police officer was in April 1985.

When a shooting occurs, the circumstances surrounding the incident are investigated by the department and are submitted to a grand jury for review. The new PBA program will give officers the opportunity to have a lawyer present during the initial ques-

tions by department investigators.

Prior to the program, the union did not provide attorneys for officers until a formal request was filed and the organization's legal committee gave its approval.

Burton said that although the union does not want to impede the department's investigation of a shooting incident, an officer should have a lawyer present during questioning since everything he says can be used in court if legal action is taken against him or the department.

"The PBA's objective is to give the cop on the street the same legal representation the bad guy would get if he shot a police officer," said Baehre.

Federal File



A roundup of criminal justice-related activities within the Federal Government.

★ State Department

The number of terrorist incidents worldwide dropped in 1986 after several years of steady gains, according to the department's Office of Counter-Terrorism. Paul Bremer, head of the office, said preliminary figures for last year indicate that the United States and its allies may be chalking up "modest successes" in the long battle against terrorism. Particular successes, Bremer said, may have been realized in "the very practical areas of bringing terrorists to justice by better police intelligence work."

★ Federal Bureau of Investigation

Michael D. Wilson, 46, has been named chief of the Bureau's organized crime section. Wilson, a 16-year FBI veteran, has been assistant special agent in charge of the Chicago FBI office, and is generally credited with creating and supervising the Abscam investigation. In his new post, Wilson will oversee some 1,200 special agents currently assigned to organized crime cases.

★ National Institute on Drug Abuse

An NIDA study released Feb. 23 said that marijuana smoking among high school seniors declined in 1986, but the number of these students who smoked cocaine increased. The study, conducted for NIDA by the University of Michigan's Institute for Social Research, said that the per-

tage of high seniors who had tried marijuana in the previous month dipped last year 23.4 percent, from 25.7 percent in 1985. Marijuana use is said to have peaked in 1978, when 37.1 percent of high school seniors said that they had used it in the previous month. However, the number of seniors who said they smoked cocaine last year rose to 6 percent, continuing an upward trend begun in 1983, when 2.5 percent said they were cocaine smokers.

★ National Institute of Justice

There were 254 deaths attributed to AIDS, the Acquired Immune Deficiency Syndrome, among inmates in the nation's Federal, state and local jails and prisons during the 11 months prior to October 1986, according to an NIJ study released last month. As of last October, the study said, there were 1,232 confirmed cases of AIDS in the nation's prisons since the first case was detected in a New York state prison in 1981.

★ House of Representatives

A state-by-state survey conducted by the House Select Committee on Children, Families and Youth said that reports of child abuse and neglect increased nearly 55 percent from 1981 to 1985, while services to help victimized children increased by less than 2 percent. The rise in reported cases was attributed primarily to increased public awareness of child abuse, while the shortage of resources was said to stem largely from cuts in Federal assistance.

Angelenos to vote on tax hike for more cops

Residents of the crime-ridden South Central area of Los Angeles will be going to the polls in June to vote on whether to raise property taxes in order to hire more police officers, and that prospect has drawn criticism that the plebiscite could set a dangerous precedent if "they make ability to pay the criteria for service they get."

The proposal for the referendum, sponsored in the City Council by Councilman Robert Farrell, will go on the ballot June 2. If the matter is approved by two-thirds of the area's voters, property taxes would be increased by \$21 million to hire 300 additional police officers.

The increase in police hiring would come in stages of 100 new officers annually. Currently, 1,100 officers patrol the four police districts affected by the plan. Those four areas, police officials say, have some of the city's worst violent crime rates.

Supporters of the proposal, who include many residents from the primarily black community, contend that crime has risen so dramatically in their area that they are willing to pay for extra police protection. "Violent crime statistics in that area are out of control," said Melanie Lomax, a

civil rights lawyer who is an advocate of the measure. "Since it is the residents of that community who must live day in and day out in that state of siege, the high-minded opposition about setting a bad precedent should be set aside."

Critics, however, see the plan as a step towards allocating essential city services on an ability-to-pay basis.

"This is fundamentally wrong," said Councilman Joel Wachs. "You'll have the rich saying to the poor, you can't have more services than you're willing to pay for."

Critics caution that before overturning the traditional method of budgeting and allocating police manpower, the community should wait for the results of a study undertaken by the Los Angeles Police Department to learn if some officers should be moved to the South Central area.

The proposal is similar in concept to a 1985 citywide referendum that would have raised taxes to hire more police officers. While that effort failed, it carried 64 percent of the voters in Eighth Council District and 73 percent in the Ninth, both in the South Central area.

Ulster's top cop gets boot by Foundation

An invitation extended to the head of Northern Ireland's Royal Ulster Constabulary to speak at a symposium sponsored by the Police Foundation was rescinded last month following an outcry that threatened to draw more attention to a delicate international situation than to the seminar, which will address neighborhood police problems.

"The controversy surrounding Sir John Hermon's visit caused us to take a good, hard look at the symposium, its purpose and what the intended end results were," said Police Foundation president Hubert Williams. "Once we looked at that it became crystal clear that the purpose of the conference was to display programs that our national consultants thought were effective at reducing crime. The controversy and problems of Northern Ireland, though critical, are just not related to the purpose of the symposium."

Hermon's visit drew protests from the Irish National Caucus as well as from Boston Mayor Raymond Flynn, who said, "No useful purpose would have been served by the participation of the representative of a police force with a history of repression hardly different from police organizations in Johannesburg or Chile."

The Royal Ulster Constabulary provides the main British police presence in Northern Ireland, where some of the worst sectarian bloodshed and fighting in the

world has taken place over the past several decades.

The rescission of the invitation, said Sean McManus, director of the Irish National Caucus, an umbrella group for Irish-American organizations, deals a "double body blow" to the reputation the RUC has been trying to build up internationally.

Amnesty International charged that the RUC embarked on a shoot-to-kill policy in Northern Ireland which since 1982 has resulted in the deaths of 18 unarmed civilians who were suspected of being members of the outlawed Irish Republican Army.

Investigations into the charges proved inconclusive.

While Hermon is a recognized police expert who has participated in other law enforcement conferences in the United States, his invitation to speak at the Foundation's symposium was akin to inviting "South African security forces to discuss local police methods," according to McManus.

Williams said that conference participation will be limited to "people directly related to the purposes of the conference and that means only national participation." International participation, he said, was peripheral anyway since "the purpose of those people coming was to give them a look at what we're doing here."

People and Places

All clear

The decision seemed bound to be controversial no matter which way it went, and indeed, the acquittal of New York City Police Officer Stephen Sullivan of all charges in connection with the 1984 death of Eleanor Bumpurs touched off a new wave of racial tension last month among blacks dissatisfied with the verdict.

Sullivan, a 21-year veteran of the force and a member of the Emergency Services Unit, said he shot the 66-year-old Bumpurs when she came at one of his partners with a 10-inch kitchen knife during a bungled eviction. When the first round from Sullivan's shotgun failed to stop the emotionally disturbed woman, he fired a second time, killing her.

With Bumpurs being black, and Sullivan white, the incident became a racial issue that prompted protests of police brutality and insensitivity. During the six-week trial, the courtroom was typically filled to capacity with supporters from each side. The area around the courthouse was surrounded by police who waited for violence that was anticipated but never materialized.

State Supreme Court Justice Fred W. Eggert, who heard the case without a jury, said that the prosecution had failed to prove beyond a reasonable doubt that Sullivan's actions in firing a second time was a "gross deviation" of police standards. While the decision was greeted with applause from a small group in the courtroom, the largely black audience met the statement with derisive cries of "Heil Hitler."

In a 23-page opinion, Eggert wrote that the Bronx District Attorney's office had failed to rule out the possibility that the first shot hit Bumpurs in chest and took a second or two to have any visible effect. In addition, he ruled, prosecutors failed to prove beyond a reasonable doubt that more than two seconds had elapsed between the shots.

The prosecution's case did not successfully rule out the possibility that while the first shot might have knocked the knife out of Bumpurs' hand, she might have continued to move in a way that made it seem that she still had the knife. Eggert determined.

"Even if Officer Sullivan momentarily disregarded Mrs. Bumpurs' safety," in trying to protect a fellow officer, the judge

FBI's new 'Most Wanted': a new director

It was generally expected that William H. Webster would be stepping down as Director of the Federal Bureau of Investigation in 1988, at the end of his 10-year term. At the request of President Reagan, however, the vacancy at the helm of the FBI may come somewhat sooner than that.

In anticipation of an easy Senate confirmation due to the candidate's impeccable credentials, President Reagan last month nominated Webster to become Director of Central Intelligence. The selection was immediately applauded by members of both parties in Congress.

If, as expected, Webster is confirmed by the Senate, he would succeed William Casey, who is recovering from brain surgery and who resigned last month.

As Law Enforcement News was going to press, the question of who would succeed Webster at the FBI was much less settled. A number of names have been mentioned already, including Associate Attorney General Stephen S. Trott, U.S. Attorney Rudolph Giuliani, and Federal District Judge D. Lowell Jensen.

Some observers have said that Giuliani and Jensen seem to have the inside track, and

ruled, "the prosecution failed to prove that this constituted a gross deviation from reasonable conduct or care."

Following the verdict, the Patrolmen's Benevolent Association held a news conference at which Sullivan defended his actions. "If it was the same set of circumstances, I would have to do the same thing," he said.

Sullivan left quickly after the verdict was read, escorted out of the room by off-duty colleagues. "I had no doubt about it. I never felt I was guilty," he said.

Upward mobility

Bishop Robinson served his last day as Baltimore Police Commissioner on March 12, then

both would bring nearly identical credentials to the FBI post.

Both served as associate attorney general before assuming their current positions. Jensen, a long-time associate of Attorney General Edwin



Webster

Meese, was a leading policy-maker in the Justice Department before being named to the Federal bench in 1986, while Giuliani has burnished his already-solid credentials as an organized crime-busting prosecutor in the past two years.

Another name that has been mentioned is that of Federal appeals court judge William Wilkins Jr. of South Carolina.

Wilkins, who chairs the U.S. Sentencing Commission, has the support of his home-state Senator, Strom Thurmond, a powerful conservative figure and the ranking minority member of the Senate Judiciary Committee.

For his part, Webster said that there was wide range of qualified candidates available within the FBI and in other areas of government and the private sector.

"I hope it will be someone who will continue the principles of professionalism of the FBI and the independence from partisan political influence and someone who has deep devotion to the rule of law," Webster said.

By selecting Webster, President Reagan chose a candidate with credentials generally viewed as impeccable.

A former Federal judge, Webster has been widely credited with doing much to restore confidence in the Bureau and modernize its approach to law enforcement.

Upon taking over the Bureau in 1978, Webster joined an organization buffeted by disclosures of illegal wiretapping and improper activities by agents, including domestic surveillance campaigns and "black bag" opera-

tions directed at radical and civil rights groups.

"I came here because I thought this institution was too important to lose," said Webster in an interview last year. "I was determined to see the institution viewed again as it had been in the past."

During Webster's tenure, the FBI moved sharply away from its white, all-male image to become an agency that includes 350 Hispanics, 350 blacks and 650 women among its 9,100 special agents.

Webster has also moved the Bureau into the era of high-technology investigation. Under Webster, wiretaps and electronic surveillance have become routine elements in many types of operations, despite protests from civil liberties groups.

In addition, the FBI significantly expanded its focus to include more investigations of white-collar crime, corruption by public officials, counterintelligence and narcotics trafficking — an area that Webster's most famous predecessor, J. Edgar Hoover, chose to ignore.

"We are doing the work the American people expect of us, and we are doing it the way the Constitution demands of us," Webster said.

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What They Are Saying

"A bias-motivated crime, unlike any other crime, rips at the very essence of our society."

Capt. Donald Bromberg, commanding officer of the New York City Police Department's Bias Incident Investigating Unit. (6:1)

Racial tension

New York City Police Officer Edward Paroulek thought it

According to a Baltimore Police Department spokesman, no successor to Robinson has been chosen yet.

Racial tension

New York City Police Officer Edward Paroulek thought it

Fine-line distinctions about oral statements

They say that in civil law, an oral contract is not worth the paper it's written on. But how should an oral confession be

Supreme Court Briefs

Jonah Triebwasser

treated when a suspect refuses to sign a written one? That is the question at the heart of this week's U.S. Supreme Court decision.

Facts of the Case

In the early morning of Oct. 24, 1980, William Barrett was transported from New Haven to Wallingford, Conn., where he was a suspect in a sexual assault that had occurred the previous evening. Upon arrival at the Wallingford police station, Officer Peter Cameron advised Barrett of his rights, and Barrett signed and dated an acknowledgment that he had received the warnings required by *Miranda v. Arizona*, 384 U.S. 436 (1966). Barrett stated that he would not give the police any written statements but he had "no problem" in talking about the incident.

Approximately 30 minutes

later, Barrett was questioned by Officer Cameron and Officer John Genovese. Before this questioning, Barrett was again advised of his *Miranda* rights and signed a card acknowledging that he had been read his rights. Barrett stated that he understood his rights, and told the officers that he would not give a written statement unless his attorney were present, but still had "no problem" talking about the incident. Barrett then gave an oral statement admitting his involvement in the sexual assault.

After the officers discovered that a tape recorder used to preserve the statement had malfunctioned, a second interview was conducted. For the third time, Barrett was advised of his *Miranda* rights by the Wallingford police, and once again he stated that he was willing to talk about the incident but did not want to put anything in writing until his attorney came. He then repeated to the police his confession regarding the previous evening's events. When the officers discovered that their tape recorder had again failed to record the statement, Officer Cameron reduced to writing his recollection of Barrett's statement.

Confession Kept In
After a suppression hearing,

the trial court held that the confession was admissible. The court found that Barrett understood the *Miranda* warnings, because he "offered the statements that he did not need anything explained to him because he understood [his rights]." Barrett's decision to make no written statement without his attorney "indicate[d] to the Court that he certainly understood from having his rights read to him that...he was under no obligation to give any statement." The trial court held that Barrett had voluntarily waived his right to counsel and thus allowed testimony at trial as to the content of Barrett's statement. Barrett took the stand in his own defense and testified that he had understood his rights as they were read to him. He was convicted and sentenced to a prison term of 9 to 18 years.

Confession Tossed Out

The Connecticut Supreme Court reversed the conviction, finding that Barrett had invoked his right to counsel by refusing to make written statements without the presence of his attorney. In that court's view, Barrett's expressed desire for counsel before making a written statement served as an invocation of the right for all purposes:

"The fact that the defendant at-

tached his request for counsel to the making of a written statement does not affect the outcome of...our inquiry. No particular form of words has ever been required to trigger an individual's Fifth Amendment protections; nor have requests for counsel been narrowly construed. The defendant's refusal to give a written statement without his attorney present was a clear request for the assistance of counsel to protect his rights in his dealings with the police. Such a request continues to be constitutionally effective despite the defendant's willingness to make oral statements. We conclude, therefore, that the defendant did invoke his right to counsel under the Fifth and Fourteenth Amendments."

This invocation, the Connecticut court believed, brought the case within the rule requiring a finding that the suspect "(a) initiated further discussions with the police, and (b) knowingly and intelligently waived the right he had invoked." *Smith v. Illinois*, 469 U.S. 91, 95 (1984) (*per curiam*). (See also *Edwards*, 451 U.S., at 485, 486, n. 9.) Because Barrett had not initiated further discussions with police, the Connecticut court found his statement to have been improperly admitted.

Confession Is Back In
In an opinion written by Chief

Justice Rehnquist, the U.S. Supreme Court held that the Constitution does not require the suppression of Barrett's incriminating statement.

According to the Chief Justice, the fundamental purpose of the *Miranda* decision was "to assure that the individual's right to choose between speech and silence remains unfettered throughout the interrogation process." *Id.*, at 469 (emphasis added).

"To this end," Rehnquist wrote, "the *Miranda* Court adopted prophylactic rules designed to insulate the exercise of Fifth Amendment rights from the government 'compulsion, subtle or otherwise,' that 'operates on the individual to overcome free choice in producing a statement after the privilege has been once invoked.' *Miranda*, *supra*, at 474.... One such rule requires that, once the accused 'states that he wants an attorney, the interrogation must cease until an attorney is present.' *Miranda*, *supra*, at 474. See also *Edwards*, 451 U.S., at 484. It remains clear, however, that this prohibition on further questioning — like other aspects of *Miranda* — is not itself required by the Fifth Amendment's prohibition on coerced confessions, but is instead justified only by reference to its

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To be or not to be: death penalty is sticky wicket for U.S. sentencing panel

Should the United States Sentencing Commission write guidelines for imposing the death

Burden's Beat
Ordway P. Burden

penalty for certain Federal crimes? That question has developed into a political hot potato in recent months and embroiled the Sentencing Commission in controversy.

The commission was created by Congress three years ago with the goals of standardizing punishments for Federal crimes and abolishing the U.S. parole system.

Opponents of the death penalty maintain that the legislation establishing the commission did not envision guidelines for capital punishment, which has not been imposed for a Federal crime since the Supreme Court ruled in 1972 that the death penalty provisions in some state codes were unconstitutional. The view of the U.S. Justice Department is that since the death penalty is still on the books for some Federal crimes, the Sentencing Commission should draw up guidelines for imposing it.

In February the commission held hearings on the question, at which I testified in my role as chairman of the National Law En-

forcement Council, a coalition of 15 major associations in the law enforcement field. Reflecting the consensus of the NLEC's members, I strongly urged the commission to promulgate guidelines for imposition of the death penalty for certain Federal crimes, including espionage, treason, hijacking, murder and the assassination of a President. The leaders of several NLEC member organizations also gave their perspectives on the question; in my own case I was articulating the general view of the coalition that the vast majority of law enforcement officers favor capital punishment for the most heinous crimes.

Responding to those who claim that Congress did not mean for the commission to address the death penalty issue, the NLEC took the position that if Congress had intended to exclude capital punishment from the scope of the commission's task, it would have said so explicitly. It did not. Therefore, the commission should include death-penalty guidelines in its report.

Our testimony also refuted the view that capital punishment has no deterrent effect on criminals. I cited the research of Stephen K. Layson of the University of North Carolina at Greensboro, which indicated that for every execution, 15 lives are saved. Some may dispute the statistical evidence, but common sense tells us that

the death penalty has a deterrent effect, at least on potential murderers for hire and other cold-blooded killers. I also pointed out that those who labor daily in the vineyards of criminal justice — law enforcement officials — generally agree that the death penalty deters crime. In addition, I noted that for lifers in prison, only the threat of the death penalty can deter them from violent crime, since they already face life behind bars.

In the NLEC's testimony for the Sentencing Commission, we rebutted the argument of some death-penalty opponents that capital punishment falls disproportionately on blacks. If that occurs from conscious racism, it is reprehensible. But the solution is not to eliminate the death penalty. The solution is more even-handed justice, not the abandonment of the death penalty. Our statement pointed out too that the perceived injustice to blacks has not been a problem at the Federal level because data gathered by the Bureau of Justice Statistics show that of 33 persons executed for Federal crimes since 1980, only five were members of minority groups. Thus there is no real problem of racism in executions for Federal crimes.

What is disturbing about the emphasis on the number of blacks executed is that it overlooks the fact that the victims of black

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Bias-crime problem is a tough one to gauge

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"When you compare the number of reported incidents to the 9 million people that live in New York City and an additional 2 million who work here, it certainly is not a numerically large number," said Capt. Donald Bromberg, the unit's commanding officer.

But while the figure may be small numerically, the seriousness of the crime looms large in the perception of victims and victims' ethnic groups, Bromberg points out.

"A bias-motivated crime, unlike any other crime, rips at the very essence of our society," he said. "Our whole society here is the U.S. is based on principles of equality, and bias-motivated crimes are just the antithesis."

A Climate of Hostility
Civil rights groups and other

minority families try to move into white or ethnically isolated areas. "That kind of crime is definitely a trend," she said. "They are being perpetrated by people who are not necessarily members of white supremacist groups but who espouse, basically, the same sentiment."

Inspector Cary of the Nassau County Police recalled that it was this kind of "move-in violence" that sparked the formation of an interracial task force in the county in 1979, after several cross burnings were perpetrated in response to black families moving from New York City into some Long Island towns.

"As a result of that we saw there was not only an immediate problem but the potential for much worse," said Cary.

The news media are also seen by some to play a key role in the ac-

"Most crimes are committed by young people and they're learning their hatreds in their own homes."

Insp. Kenneth Cary, Nassau County, N.Y., police

observers point to several reasons for what they contend is an upsurge in bias crime, statistics notwithstanding.

Dr. Benjamin Hooks, executive director of the NAACP, attributes much of the racial hostility to such factors as the Reagan Administration's attack on affirmative action policies and a tightening job market.

Hooks maintained that when assistant U.S. attorney general William Bradford Reynolds "constantly assails and assaults goals and timetables of affirmative action and constantly says it's wrong and illegal and that it is reverse discrimination, there is a message that says one thing on the surface but says subliminally to the young, white man, 'you've been mistreated.'"

Reynolds' implicit message, Hooks continued, tells white males that "whenever you see a woman with a job a white man used to have, just rest assured she is not there because she is qualified but because of a quota. And the same holds true for blacks."

In addition, Hooks contends, a tightening job market for blue-collar workers has contributed to the situation. "They know they can no longer go to General Motors or U.S. Steel and get \$8 an hour. They're frying hamburgers or cooking chicken at \$3.35 an hour or less," he said.

In a time of broad-scale economic dislocation, Hooks said, workers are much less inclined to be philanthropic or liberal; instead, they become introverted and selfish. "People become a little bit meaner, then it only takes a small incident to create hostility and actual violence."

'Move-In' Violence

Violence also erupts, according to the SPLC's Pat Clark, when

tual scope of bias-related crime, as well as in perceptions of the problem. The NAACP's Hooks contends that the media's portrayal of crime, especially violent crime, makes black youths appear to be dangerous enough to deserve constant watching. "It takes a special effort in today's world for TV and radio news to cover blacks in a positive way," he said.

Praise and Damnation

Media coverage of bias-crime incidents has been both praised and damned by police and observers — especially recent coverage of the Howard Beach incident and the civil rights marches through Forsyth County, Ga.

On Dec. 20, Michael Griffith, 23, was killed by a car while fleeing from a gang of white teenagers who had chased him onto a highway. Three of the teenagers have been charged with second-degree murder, and nine others face charges ranging from manslaughter to inciting a riot. In the weeks since the incident, Howard Beach, a racially insulated community made up primarily of Jewish, Italian and Irish families, has become a term practically synonymous with racism.

Not long after Griffith's death, a "walk for brotherhood" staged by a small group of blacks and whites in Forsyth County, Ga., was interrupted by a crowd throwing stones, bottles and hurling racial insults and threats at the marchers, who were driven back to their bus.

A second march a few weeks later drew some 20,000 demonstrators to the county. In the process, Forsyth County also became a synonym for racism,

with its history and reputation for racial divisiveness making



Wide World Photo

A Missouri state trooper displays an anti-Semitic target-practice silhouette confiscated in a raid on an encampment of the white supremacist group The Covenant, the Sword and the Arm of the Lord.

headline news across the country.

In 1972, white vigilantes drove all black residents out of the county following the rape and murder of a white woman, for which a black suspect was killed by a mob and two others were hanged after a sham trial. No blacks have lived in the area since.

As in the case of Howard Beach, the media's coverage of recent events in Forsyth County has angered residents who contend they have been unfairly branded for the misdeeds of a few individuals.

The Media Backlash

While there is general agreement that bias-based crimes and events have to be covered, such news coverage can sometimes lead to an unpleasant backlash.

In northern Idaho, where the Aryan Nations makes its headquarters, media coverage of that paramilitary group has "unquestionably" added to the perception that the area is a bastion of white separatist attitudes, according to Moscow Police Chief David Cameron. "I know there has been a lot of play over what the Aryan Nations has to say in the media and I know that stories come back to us over how that troubles people outside the area."

While the news media do not contribute to violence or hostility in Georgia, said Bill Padgett, commander of the Georgia Bureau of Investigation's anti-

terrorist squad, they "contribute to the event."

Had recent and past events in Forsyth County not been reported so aggressively by the media, said Padgett, the Ku Klux Klan and its splinter groups might not have shown such an interest in being there and the first march would not have led to the bigger demonstration on Jan. 24.

Media coverage can cause more problems for the victims than for the police, according to Inspector Cary of Nassau County. In one case, he recalled, anti-Semitic slurs were scrawled on a wall of Great Neck North High School. A picture taken of the wall ran in a local paper just two days before Halloween.

"That was a bad time to publicize graffiti like this," said Cary, "so that Halloween we saw a rise in the number of anti-Semitic graffiti. I don't say you shouldn't report the news but there should be a little more sensitivity and it shouldn't be sensationalized. When you do that with photos like this, all it does is cause a copycat syndrome."

In the aftermath of the Howard Beach incident, New York police noted a sharp increase in reported cases of bias crime. Many of the cases showed signs of being copycat or backlash offenses, with offenders often shouting the battle cry "Howard Beach" as they attacked their victims. More than

half of the incidents confirmed in the four weeks after Howard Beach involved black assailants and white victims or vice versa — a sharp reversal of past trends.

Textbook Examples

The Howard Beach and Forsyth County cases offer almost textbook examples of the two types of offenders found most often to be involved in this sort of crime and activity — isolated groups of teenagers and organized hate groups.

"What I firmly believe and is true is that most of these crimes are committed by young people and that they're learning their hatreds and their prejudice right in their own homes," said Cary.

His assessment is supported by Captain Bromberg of the NYPD's bias unit. "From the arrest data, we can determine that 60 to 70 percent of the people involved are youths 19 years old and younger. I would guess that many of our crimes are perpetrated by whites," he said.

In Tucson, offenders are "invariably" juveniles, said Chief Ronstadt. "The biggest potential problem that I see is this racial and ethnic stereotyping," he said. "They [high school students] would be cowboys and decide they will band together to defend themselves against the Mexicans and vice versa."

Teenager offenders are also responsible for most of the bias-based attacks against homosexuals, according to Randy Schell, executive director of the Community United Against Violence, a San Francisco-based organization that provides a wide range of legal and psychological services for homosexual assault victims.

"About 50 percent [of perpetrators] are youths, and generally white youths," said Schell. However, only one in five offenders is caught and prosecuted, he added.

When asked how often offenders are caught, most law enforcement personnel answered, "not often enough."

Anti-Semitism Leads the Way

Of the 209 bias crimes reported to the NYPD bias unit by the end of November 1986, 107 arrests were made.

The Nassau County police made 14 arrests last year in 53 reported cases. In 1985, police made 50 arrests out of 96 reported cases.

While it was bias-related attacks on blacks that propelled the issue into recent prominence, it is offenses against Jews and Jewish institutions that make up the majority of bias cases in the New York area.

According to Captain Bromberg, crimes against Jewish property make up 50 percent of his unit's caseload. The next largest target are blacks, he said, making up about 30 percent of the cases. These are primarily personal confrontations, he said.

Most bias crimes reported to the Nassau County police, said

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The cycles of bias-motivated criminality

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Inspector Cary, are anti-Semitic as well.

The New KKK

But while teenagers have been identified as one source of the problem, organized hate groups are responsible for their own share of mayhem, with varying degrees of violence.

The Georgia Bureau of Investigation has been monitoring the Ku Klux Klan and its various splinter groups on a regular basis since 1983, when state legislation gave the agency jurisdiction over terrorist threats and activities.

Because the Klan is quite active in Georgia, said Padgett, commander of the agency's anti-terrorist squad, the unit attends all Klan functions "whether it be a literature handout, rally or a parade."

There has only been one Klansman arrested for violence since 1984, said Padgett. Most arrests are for attempting to violate state laws like obstruction of public roadways.

More recently, said Padgett, the Klan has assumed a heightened visibility and has begun preaching a more violent stance. "Whereas you may have seen five or six handing out literature on a street corner in a particular city,

now you may find ten or twelve." It will always be the same people, however. "You won't find a whole new group of faces."

Understanding Motivation

Part of the reason for the new visibility of the Klan is the fragmentation of various factions into splinter groups, many of them more reactionary and potentially more violent than their predecessors. Many of these groups have abandoned the Klan's traditional white robes and hoods for the paramilitary camouflage garb that is now "fashionable."

The Klan's membership is a younger one these days, said Padgett, and some members are ex-military people. To understand what has prompted the group's recent flurry of activity, he said, would depend on what really motivates these people and "you really don't understand that."

Some suggest that bias-related crimes are among the most under-reported of all offenses. The NYPD's Captain Bromberg said that victims often believe that by reporting the crime they will draw the kind of attention to themselves that will only cause further harassment. Some feel that an incident, although motivated by

bias, was too minor to warrant reporting.

Distrust of the Police

There are also population groups that have an innate distrust of the police. Often these groups are Asians and Latin Americans, who are accustomed to more repressive police systems in their native countries. But of all the groups that fail to report bias-related crime, according to Bromberg, "the largest group is the gay community."

Homosexuals, said Bromberg, are among the people most likely to "mistrust the motives and activities of the police department."

New York and San Francisco are both cities with large, active homosexual populations. According to figures kept by the Gay and Lesbian Anti-Violence Project, a community-based organization that works closely with the NYPD's bias unit, there were 453 cases of anti-gay violence in the city in 1986, an 83 percent increase over the 247 incidents reported in 1985.

Anti-homosexual bias is manifested in a variety of ways, according to San Francisco's Randy Schell. There is the usual hate-filled graffiti, but since the onslaught of the AIDS epidemic, many offenders have taken to shouting epithets like "disease carrier" at homosexuals, and have used AIDS as a "grand justifier" for physically attacking gay men and women.

Schell maintains, however, that AIDS is not the reason for anti-gay violence. "Long before AIDS came on there was anti-gay violence," he said. "This is just

more of a justification for committing the act."

Increasingly Violent Crime

Schell said his outreach organization sees about 30 to 60 clients a month from the San Francisco area, and that probably represents far less than the actual number of victims. The level of anti-gay violence includes everything from murder to attacks with razor blades and chains.

"We're seeing now as compared to some time ago that physical assaults are becoming more brutal and victims are sustaining more physical and psychological injuries due to the attack," Schell said.

Schell identified a number of reasons for the increase in anti-gay violence and hatred. It has been generally accepted in this society that gay men and women are "legitimate targets" based on

verbal attacks from the fundamentalist right wing and the recent pronouncements of the Vatican on gay and lesbian issues, he said. "It makes it okay to go out and assault gay people."

While few groups are equipped to make definitive assessments of the scope of the bias-crime problem, whether the crime is directed against blacks, ethnic minorities or homosexuals, the answer may lie in what Nassau County's Inspector Cary sees as the "cyclical" nature of such offenses.

"You can go for a long time without having any racial violence," he noted, "and then all of a sudden one incident will occur which will generate more."

(In the next issue of LEN: the problems of reporting and classifying bias-related crime.)

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U.S. sentencing panel's dilemma

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murderers are themselves overwhelmingly black. Opponents of the death penalty may consider their compassion for convicted murderers noble. The NLEC's judgment is that it is ignoble to be concerned with the guilty at the expense of the innocent.

Nevertheless, my statement on behalf of the NLEC noted that if the Sentencing Commission thinks it must take up the problem of racism in executions, it is possible to construct procedures

which insure that the decision to execute a criminal is made in such a way that race is not an issue. For example, after a jury has rendered a guilty verdict, another jury, which would not be told the race of either the criminal or his victim, could decide whether to impose the death penalty.

The seven-member commission is due to approve the final draft of its sentencing guidelines by April 13. It will be the culmination of a long, controversy-filled series of hearings and attacks on earlier

drafts of the proposed guidelines. We in the NLEC hope that the final result will include guidance for Federal judges for imposing capital punishment, as well as for sentences for the full range of lesser crimes.

Ordway P. Burden is president of the Law Enforcement Assistance Foundation and chairman of the National Law Enforcement Council. He welcomes correspondence to his office at 651 Colonial Blvd., Washington Twp., Westwood P.O., NJ 07675.

'Waiving' goodbye to Miranda?

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prophylactic purpose. See *New York v. Quarles*, 467 U.S. 649, 654 (1984). By prohibiting further interrogation after the invocation of these rights, we erect an auxiliary barrier against police coercion."

No Coercion? Good Confession!

Finding a lack of any coercive conduct by the police in this case, the Chief Justice went on to rule that there was "no constitutional objective that would be served by Barrett to obtain an oral confes-

sion is quite consistent with the Fifth Amendment. *Miranda* gives the defendant a right to choose between speech and silence, and Barrett chose to speak."

(*Connecticut v. Barrett*, No. 85-899, case decided Jan. 27, 1987.)

Jonah Triebwasser is a former police officer and investigator who is now a trial attorney in government practice. He is a member of the Bar of the Supreme Court of the United States.

Forum

Morris:

Front-line defense against rights violations

By Stanley E. Morris

As we celebrate the bicentennial of the Constitution, it is fitting that we pause for a moment to reflect on what that Constitution has meant to Afro-Americans over the past two centuries. For the first 70 or so years under the Constitution, blacks were not considered citizens and were not allowed the rights and privileges bestowed on citizens in this country.

But the Civil War and the 14th and 15th Amendments changed that. The former slaves became citizens, their "previous condition of servitude" was declared no bar to their enjoyment of the rights extended all other citizens.

Unfortunately, the Constitution can only define and identify the rights of citizens; it can not enforce those rights. The duty of physically protecting the rights of citizens within the United States has always fallen, in the first in-

stance, to United States Marshals. So, too, in the years immediately after the Civil War. Throughout the South, U.S. Marshals took up the defense of the newly freed slaves. In Mississippi, Georgia, Alabama, Louisiana and the other defeated Confederate states, U.S. Marshals battled the Ku Klux Klan, the Knights of the White Camellia, the White League, and other underground groups of unreconstructed rebels.

These groups terrorized the black community. Riding at night, disguised and armed, they used surprise and violence to intimidate blacks, murdering and torturing any freedman who dared exercise his newly granted rights to vote, to speak out, to run for public office, even to think freely.

During the period of Reconstruction, U.S. Marshals made over 7,000 arrests of Southerners who denied blacks the rights of citizenship. A total of 703,000 blacks

were registered to vote. From 1870 to 1894, U.S. Marshals supervised every Congressional election to insure that blacks were not disenfranchised. Deputy Marshals were stationed at each polling place to prohibit any interference with the freedman's right to vote, to prevent any threats or intimidation against blacks simply because they exercised their most basic right of American citizenship, the right to participate freely in self-government.

In 1877, Congress and the President effectively deserted the blacks, leaving the South alone to determine its own race relations. Southern whites came back in control. By century's end, the system of segregation and Jim Crow laws were firmly entrenched in every Southern state.

Eighty years later, the black citizens of this country began a long, strenuous campaign to regain the rights they so briefly enjoyed after the Civil War, rights that were their due as citizens. Once again, U.S. Marshals went South to uphold the Constitution in the face of Southern white opposition.

Deputy Marshals escorted black first graders into school in New Orleans. Deputy Marshals protected Martin Luther King Jr. from rioters when he spoke in a church in Montgomery. They marched with blacks from Selma to Montgomery and then helped register those blacks to vote once they arrived in Montgomery. They stood with the black students on the steps of the University of Alabama while the governor decried Federal authority — the deputies' authority. Then they protected those students while they attended the University of Alabama.

One Sunday afternoon in late September 1962, five hundred Deputy Marshals surrounded the Lyceum Building on the campus of the University of Mississippi at Oxford. They had been told by Attorney General Robert Kennedy to hold the building until the next morning, when James Meredith would be brought to the building and registered as the first black student at the university.

A crowd formed around the Deputies. At first, there was only heckling, a vulgar

mix of racial slurs and profanity which the Deputies ignored. But as night fell, the crowd grew meaner. Rocks, bricks and bottles of acid rained down on the Deputies. The Mississippi Highway Patrol left the area. By 8:00 P.M., a full-scale riot had erupted. Throughout the night, the Deputies were attacked with bricks and bullets, a bulldozer and a firetruck, and anything else the rioters could find to throw or shoot. Deputy Gene Same from Indiana was shot in the neck by a shotgun. He lay in the hallway of the Lyceum Building, his life blood flowing out, because his fellow Deputies could not get him out past the rioters. He survived, a fellow Deputy holding a compress to his wounded neck until, early the next morning, medical assistance arrived.

Twenty-five Deputies were injured that night in Mississippi, the night Robert Kennedy described as the "worst night of my life." And the Deputies held the building. The next morning, they brought Meredith to the registrar, who enrolled him as a student.

For the next year, Deputy Marshals provided Meredith with 24-hour protection, going everywhere he went on campus, enduring the same taunts and gibes, the same heckling, the same bombardment of cherry bombs, water balloons, and trash, as Meredith did. They made sure that Meredith could attend the school of his choice.

Most recently, only a few weeks ago in fact, Deputy Marshals were assigned to provide security at the civil rights march outside Atlanta. We in today's Marshals Service can take pride in our agency's long tradition of civil rights enforcement, of our long history of protecting blacks and other minorities in their enjoyment of American citizenship. But we should use that tradition, that long history, as the touchstone by which we daily renew our commitment to protecting those rights and privileges.

Stanley E. Morris is Director of the U.S. Marshals Service. The preceding is adapted from remarks delivered on Feb. 19 at a Black History Month program in New York.

Other Voices

A sampling of editorial views on criminal justice issues from the nation's newspapers.

Tasty policy

"Just imagine what Abbott and Costello could do with the Reagan Administration's plan to test Federal employees for drug use. Abbott would play the officious bureaucrat assigned to take the temperature of urine samples right outside the rest room stall. Costello would be the flustered civil servant, perhaps unable to produce the required specimen in such humiliating circumstances, trying to substitute some other fluid — but not the telltale blue water in the toilet bowl — for the one his country demands of him. Bathroom humor, certainly. But it's all right if you don't think it's funny, because the Reagan Administration is completely serious about its drug testing plan. The obvious intrusiveness of this procedure and the preposterous images it conjures up underline what an intolerable invasion of privacy it is. And there's a serious constitutional question whether it amounts to requiring Americans to give evidence against themselves at peril of dismissal for refusing. More than half of the Federal Government's two million civilian employees will be subject to random or blanket drug tests if Attorney General Edwin Meese gets his way. Similar procedures have already been thrown out by the courts; this executive order deserves the same fate. Better yet, President Reagan should drop the whole idea before bathroom jokes become a Washington staple at his expense. He ought to realize that few things are more damaging to Presidential dignity than public ridicule."

— *New York Newsday*
Feb. 25, 1987

The annals of the law

"Down in Peotone, the police department thought people might not think well of male police officers who wear earrings. And so when two officers had their ears pierced and started wearing single earrings, the police department told them to take the things out, even when they were off duty. And so, naturally, they are suing the village for \$1 million. If the judge has any sense, they'll turn out to be wrong. The first reason is that the issue is trivial. What somebody wears in his ears is not a matter of constitutionally protected free expression, unless perhaps he's wearing a placard there. And the second is that a police department ought to have the leeway to put restrictions on officers' conduct, even off duty, that it believes might get in the way of their work."

— *The Chicago Tribune*
Feb. 16, 1987

Vengeance against children

"The death penalty is a barbaric form of punishment, and its cruelty is magnified when it is imposed on children. The Supreme Court should invalidate laws that condemn children to death rather than rehabilitation. Sentencing minors to death is contrary to all international human rights treaties and standards. Yet the U.S., the guardian of human rights around the world, shows little concern for what states are doing to its own children. Seventeen states have a minimum age of under 18 at which the death penalty may be imposed; in two states, it may be imposed on children as young as 10. The reduced responsibility of children is recognized in laws and in practice in much of the legal system. Adolescents often have trouble controlling urges or passions. Children are not expected to show the same perspective or judgment as adults; and because they are growing and developing, the chance of rehabilitation is greater. Potentially worthwhile life is destroyed — and nothing is gained — when children are sentenced to die."

— *The Boston Globe*
Feb. 25, 1987

In re: Miranda



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What's the first Federal agency you should think of when dealing with arson, fire or suspected terrorist bombing? If you answered "the Bureau of Alcohol, Tobacco and Firearms," you are absolutely correct and you've just earned yourself a gold star and the gratitude of the agency's director, Stephen E. Higgins, and its 3,000-plus personnel.

As Higgins himself readily admits, ATF often gets the short-shrift when it comes to appropriate recognition for the work done by its inspectors and special agents. Perhaps not surprisingly, the "T-men's" work is often mistakenly credited to the "G-men" of the Federal Bureau of Investigation. The agency's name is at least partly to blame. Yes, ATF does handle regulatory and investigative chores regarding alcohol and tobacco, including the bootlegging of whiskey and cigarettes. But that represents a tiny fraction of what the agency does. The vast majority of ATF's resources is devoted to firearms regulation and enforcement, and the investigation of arson and bombings — and neither arson nor explosives is mentioned in the agency's name.

Higgins gives passing thought to changing the agency's name, or, jokingly, to renting a Goodyear blimp

with the letters "ATF" emblazoned on the side, all in an effort to increase the public recognition accorded his agency. Inevitably, though, recognition tends to come through doggedly hard work in areas of law enforcement that average citizens — and, indeed, some police officers — rarely get to see very much of. And Higgins is no latecomer to the intricacies of ATF. He's a career civil servant who joined ATF in 1961, serving in duty posts that included Omaha, Chicago, Dallas, Philadelphia and San Francisco. He joined the headquarters staff of ATF in 1975 as assistant director, and became director of the agency in March 1983. His own efforts have been officially applauded along the way, most significantly as a charter recipient of the Meritorious Executive Award, a Presidential citation first granted in 1980.

and outright threats of extinction, and all the while manage to keep up a high-energy investigative output, whether it's tracing firearms used in a crime, getting a fix on interstate moonshiners and outlaw motorcycle gangs, or deciphering a complex arson or explosion case.

There's scarcely a dull moment for the personnel of ATF. Only a very few are specialists; most find themselves working one day on a bootlegging case, the next day tracking down illegal firearms. Their efforts are backed up by a wealth of high-tech equipment at ATF's Maryland laboratory, and a superbly-equipped arson/explosion truck that goes wherever ATF agents go in search of clues and evidence. And just when things slow down a bit, there are always thousands of applications for gun licenses and a myriad of regulatory matters to attend to.

The next time you're in the vicinity of an arson or bombing, keep a careful eye out for the guys in the coveralls and hard hats, the ones studiously rummaging through charred and splintered wreckage. Those people just might be agents of — uh, what did you say the name of that agency was?

"Most other countries have a lot stronger firearms laws than we do. Whether they enforce them or not is sometimes another story."

Stephen E. Higgins

**Director of the U.S. Bureau of
Alcohol, Tobacco and Firearms**

Law Enforcement News interview
by Marie Rosen

LAW ENFORCEMENT NEWS: There appears to be ongoing concern over the various domestic white extremist groups, such as the Posse Comitatus, the Order, the Aryan Nations and others. Just how big of a problem do these groups represent, in your estimation?

HIGGINS: They represent a problem that's way out of proportion to their numbers, because I don't think there's that many people that belong to those groups. The problem is that because of the kinds of weapons they stockpile, the way they feel about the government and people who represent authority to them — including state and local law enforcement — all that plus the training they have makes them a serious threat. They're also a serious threat because they're very, very hard to do investigations on, because they're relatively small groups and they know each other. It's very hard to get an undercover agent in those groups. So the threat is a serious one.

LEN: Where are they getting all these weapons they've managed to accumulate?

HIGGINS: They buy some of their weapons — for example, semiautomatic weapons that they convert to automatic firing. They steal explosives or they might buy them surreptitiously from people in the business of supplying weapons to people like that. They trade among themselves. There's all kinds of different sources.

LEN: Generally speaking, what sort of numbers do these groups boast in terms of membership?

HIGGINS: I really hate to make a ballpark guess, because I'm not sure about all the groups that exist. But I'm sure the number is somewhere in the thousands.

LEN: What exactly is ATF's role in the investigation of these groups? Do you have sole responsibility?

HIGGINS: Like in a lot of other things, we share a lot of responsibility. If the group can be identified as a terrorist kind of group, we would share responsibility with the FBI, and certainly with state and local authorities, because the kinds of things that are going on are just as much violations of state law. It generally involves either people who are felons who can't legally possess guns

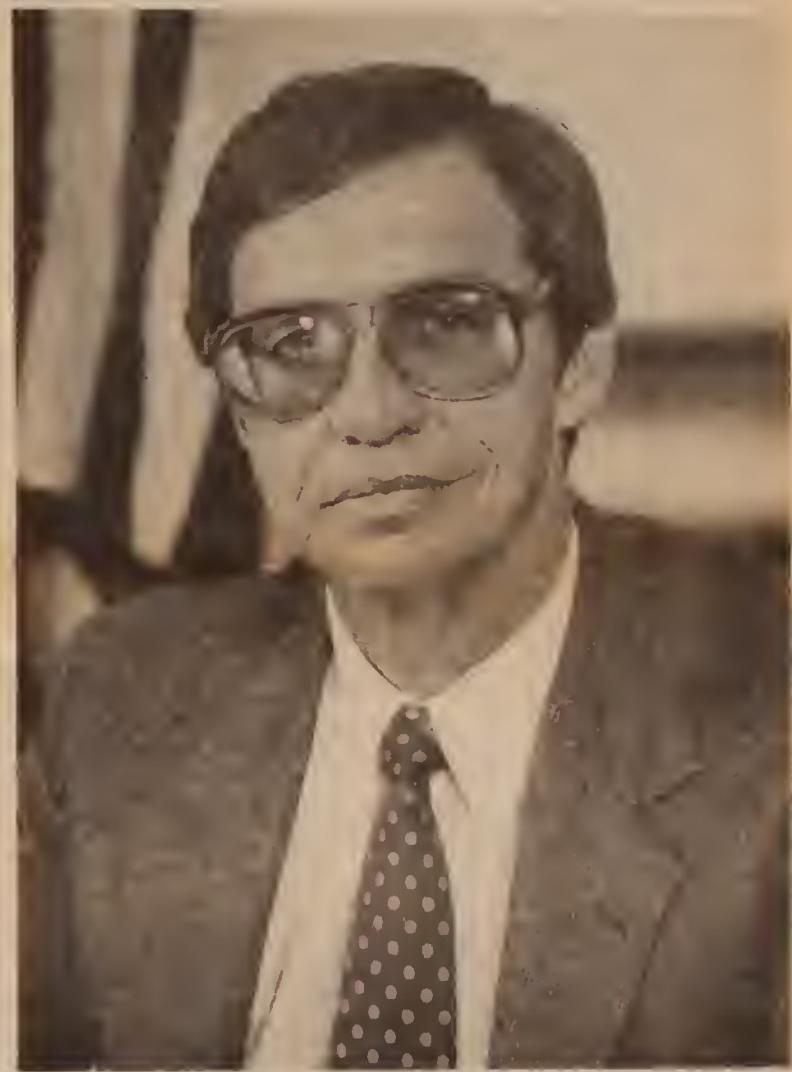
under Federal law, so we get involved there, or they stole the guns or they possess explosives which they're not legally entitled to, or they're converting guns from semiautomatic to automatic. All those are violations of the Federal firearms laws, which we enforce.

On the trail of a bomber

LEN: ATF recently identified and apprehended a suspect in a series of abortion-clinic bombings that had been going on in New York. Typically, what goes into an investigation of this sort?

HIGGINS: I'll describe in general terms, rather than specifically, because it is a continuing investigation. If it's a big enough one, in terms of the seriousness of the bombing, we would respond with our National Response Team. If it's a smaller one, we would send out our investigators and people from the lab, and set out to determine the cause and origin of it, using a lot of hard work at the arson or bombing scene. We'll literally go over the site inch by inch and then, with a portable laser X-ray type fingerprint device, look for fingerprints, look for pieces of whatever it was that was used, and try to determine how the bombing or arson was caused. Then we

Continued on Page 10



"It gets under our skin sometimes when we hear people asking for a change of jurisdiction, knowing that we're a whole lot more likely to solve [bombings] than anybody is."

Continued from Page 9

take that material and ship it back to the lab in Rockville and go over it with more sophisticated kinds of equipment, which allows us almost all the time to be able to determine what was used — which is important in all these, even if it was caused by accident. Then there's a series of interviews to try and find out who may have seen someone, and in the case of Puerto Rico, trying to put together where it started and with what kind of flammable materials, trying to place certain people in that area through interviews. It's a lot of hard work. It may seem glamorous sometimes, but when you see these people work and some of the conditions they work in, you know how hard they work. They're well trained; they know what they're looking for and they know how to go about it.

LEN: Essentially a scientific process, then?

HIGGINS: It is, and more so when it gets back to the laboratories. Some of the machinery they have out there is just incredible. The laser X-ray, for example, allows you to take fingerprints where you would never have been able to get them before, and without destroying any evidence, which is just as important. It's a tremendous advance.

LEN: Not too long ago, there were calls for the FBI to be assigned to the abortion bombings, presumably for the sake of investigative effectiveness. Does the success of your investigation into the New York bombings vindicate your agency and its involvement in these cases?

HIGGINS: Yeah, although I'm looking at it from the standpoint that I don't think we need any vindication. If you went to the FBI and asked who has the expertise — not just the jurisdiction, which is the number-one issue, and we do have the jurisdiction in probably 95 percent or more of the bombings and arsons, including abortion clinics. But if you asked the FBI who they thought could best do this, they'd say the same thing I'm saying to you, which is that we have both the jurisdiction and, more importantly, the expertise. Our people do this a lot, they're very good. If people are serious about wanting these abortion clinic bombings solved, and not trying to make some sort of political capital out of them, then this is the right place to be doing it. It gets under our skin sometimes when we hear people asking for a change of jurisdiction, knowing that we're a whole lot more likely to solve them than anybody is. So I don't like to look at it as vindication, but I think it does do that. When you look at the record of the number of cases we've solved, I don't think anybody else would come close to that. We're going to solve them, and certainly we consider them a high priority. They couldn't be as high a priority with anybody else.

LEN: You mentioned your agency's National Response Team, a unit that got a considerable amount of press recently in connection with the arson fire at the DuPont Plaza Hotel in Puerto Rico. In general, what was the role of ATF in that incident?

HIGGINS: By way of background, we started the National Response Team as a concept about six or seven years ago. The premise we were working under was that

the sooner you could get to the scene of a bombing or arson, and the more people you could pour in immediately, the more apt you are to solve it if it's going to be solved. The longer it takes you to identify the cause and origin, to interview people and do all these other things, the better chance the person who's done it has to get away. So we started the concept of especially training a group of 10 special agents. We also use people from the lab who have special skills and special equipment, and we use what's called cause-and-origin specialists, who are located at various points around the country. The concept is that within 24 hours of a bombing or arson anywhere in the United States — and in this case, Puerto Rico — we can have that specially-equipped team and a truck there. If it's an outlying location that you can't drive to, we've got an arrangement with the Coast Guard that they'll fly the truck in. In this case, the Air Force flew our truck to Puerto Rico. We bring it there, we immediately get on the site — and this is all at the request of state and local people; we don't just jump in and say "We're here." We come by invitation in almost every case, although we do have jurisdiction in these cases; it's something where we like to work closely with state police or local fire and police people.

In the case of the Puerto Rico fire, we sent two teams there, just because of the size of it and the number of people that had been killed, and we just wanted to get in there as quick as we could. One group is going through and determining the cause and origin, and another group is going through and interviewing a massive number of people. The team usually stays for two days to a week or so, and after that massive infusion of manpower, then the investigation goes its own natural way. The statistics for the National Response Team concept, both in terms of determining the cause and origin and solving who did it, in the case of criminal events, are way

the recognition in terms of what agency do you want to call when you have a particular problem that comes within our jurisdiction, or where there's been a completed investigation, I'd have to be honest and say no, I don't think we get the recognition that we've probably earned and do deserve. I know it's got to be frustrating to our people sometimes. We kidded about the Puerto Rico investigation, which was a combined effort of the FBI, us and others. As they brought the individual in for arraignment, the FBI not only had their jackets on with the big letters on the back — which we have also — they also had big armbands that said FBI, at least in most of the pictures I saw. A lot of the papers, when they're talking about a Federal law enforcement agency, they tend to lump us all together and say FBI when in fact it may be the ATF. We kid about it and say that maybe what we really need to do is to get something like the Goodyear blimp, paint the letters "ATF" on the side, and then when we go into a site where we're making a massive bunch of arrests we can float the blimp up there and maybe people will focus on it and we'll get some attention.

As I go to meetings of IACP or the National Sheriffs' Association, I find a pretty good recognition of ATF, and I hear a lot of complimentary things about working closely together with us. But I'm not sure how widely that's shared. Among the general public, most have not heard of ATF and most wouldn't know what we do.

LEN: Does that lack of widespread recognition ultimately have a political impact on the agency?

HIGGINS: It does in some cases, because I think if we had wider recognition and a more positive name recognition, like the FBI had for years, then some of the people

"If we just keep working hard, then maybe some day, while we may not get ATF as a household word, at least it won't mean Automatic Transmission Fluid."

better than if you have a couple of people going in and it takes a long time to determine where it started. We've got four teams and a lot more people than that trained and available to do it. We've had as many as three teams out at a time, although we usually have certain guidelines — a million dollars in damage, or a death or injury or other kinds of things. In the case of these abortion clinic bombings, it was several incidents in one area that were getting a lot of attention from a lot of people. We're very restrictive with the teams, but very successful, I think.

LEN: Apart from the activities of the National Response Teams, what other kinds of assistance do you provide to local police and sheriffs?

HIGGINS: Well, I'd like to think just about any kind of assistance they want. We have a lot of training films dealing with firearms that don't look like guns, whether it be belt buckles or pens that go in your pocket or cigarette lighters. We help people identify those kinds of things that can be dangerous to them, but that they might not ordinarily think of. We provide a lot of state and local training classes down in Glynn, Ga., at the Federal Law Enforcement Training Center. We train them on firearms and explosives, investigations, arson, undercover techniques, and then we go around the country and put on training programs for them in their own areas. We work closely with them on day-to-day investigations. We have arson task forces in about 16 cities, where we work with local police and/or fire officials. The thing we try to stress — and I guess you hear every agency say this, but I assure you we mean it — is that the most important thing for us is finding out who did it and then trying to insure that it goes to the jurisdiction that's going to take the most certain and, hopefully, severest action against the person who did it. Sometimes that'll be in state courts, sometimes in the Federal courts. We don't mind sharing the credit, and hopefully that's what we demonstrate in our day-to-day contacts with state and local people.

Credit rating

LEN: Does ATF get its own fair share of credit where credit is due?

HIGGINS: If you're asking if I honestly think we get

who are so quick to be our critics because they don't know us might in fact tend to give us the benefit of the doubt sometimes, or look to see what kind of results we have. I think the abortion clinic bombings would be a good example of that. Probably the reason some people were asking for the FBI to get involved in that was that they were saying this is a national conspiracy. They want to make it political, and by getting the FBI to come in and by saying that these are terrorist groups and part of a national conspiracy, they hope to give that kind of attention to it. But some of the people that were calling for the FBI to come in simply think that that's just the Federal agency that investigates these kinds of things; they're the ones who do it, so why put an agency like ATF, which doesn't even have explosives in its name? That hurts us a little bit, but we've tried to work really hard, because what's really critical for the continuation of this agency or any other is the kind of support you have, both within the Administration and on the Hill. We've tried really hard, wherever possible, to let the staff members of various Congress people know what it is we're doing and how we can be of help.

LEN: How about a change of name for the agency?

HIGGINS: We have thought of changing the name. Until 1972 we were a division of the Internal Revenue Service. Then we became a separate bureau, and at that point we took some time to do a kind of internal name search. We either came up with a name that was so broad that it impinged on other agencies, or it was even more specific than we have now, and even lengthier. It probably would have led to the same problem of people not knowing what we did. Within the last year we went through that again, because we still had the concern that ATF doesn't really describe it. Like tobacco, that probably represents the expenditure of less than 2 percent of our resources, whereas explosives represents the expenditure of probably 30 to 35 percent of our resources and is not in our name. We considered some names, we took some to Treasury and asked their reaction, and quite frankly we couldn't get a consensus on any term. Some of the terms were objectionable to other agencies in Treasury who have law enforcement responsibilities. Others might have been objectionable to others outside the Treasury Department. So we've thought about a name change, but we haven't really been able to come up with anything that seems to have



Sitting on the tarmac next to a "mother ship" from the U.S. Coast Guard, a specially-equipped truck from ATF's National Reapone Team awaits another call to handle the investigation of a bombing or arson case. Courtesy ATF

any better ring to it. I suspect that if we just keep working hard, then maybe some day — maybe not in my lifetime — while we may not get ATF as a household word, at least it won't mean Automatic Transmission Fluid or something like that.

One hand washes the other

LEN: When it comes to arson, do you provide regular assistance to the insurance industry?

HIGGINS: Like a lot of people, we may have started out being a little bit suspicious of the motivation of insurance companies, saying what does an insurance company care about finding out who causes an arson, because if they have to pay these claims they'll just turn around and raise the premiums of people who are paying them. We've changed our mind in terms of having worked with them and seen how willing they've been to work and share information. They've set up ways of keeping track who they've paid claims to so that you can quickly identify people who are multiple claimers and who have had arsons, and they've been a lot more sharing in terms of the kind of information they'll provide us about material people send in or other information in their files. So we've worked really closely with them, and we have a good relationship with the major companies. We've tried to capture some statistics in terms of solving certain arsons, how much money we've saved those companies from paying — because once we determine it's arson, they don't have to pay the claim. Their problem was they've got some quick-pay clauses; they have to make a determination on paying the claim within a certain amount of time. So they really didn't have the time sometimes to decide whether or not it was arson; they were forced to pay before the deadline. In working with them, we've helped them to the tune of millions of dollars a year we've saved them in claims they haven't had to pay. In some cases we've stopped a claim from being filed. So it's been a good relationship.

I was talking earlier about the kinds of services we provide state and local agencies, and I forgot to mention one of the ones we use the most, and that's our firearms tracing center. Last year I think we traced some 38,000 firearms, and probably about half to two-thirds of that number were traced for state and local agencies. These would be firearms that are used in crimes somewhere and are picked up, and we can trace back and find out who bought them and where they bought them from. Often those traces are the final nail in the coffin in terms of being able to prove who did it. We do that routinely, probably hundreds of times a week. That number is just from the state and local agencies, but we also get requests from our own agents who are involved in things, and from other Federal agencies, including Customs, FBI, Secret Service. We now also get a lot of requests from international agencies, from Mexico and a lot of South American countries, for example. We work very closely with them and let them know that if they'll give us information on guns that are picked up in those countries, we can pretty much go back here and find out where they're getting out of this system, because a lot of U.S.-made guns find their way into other countries. That's because most other countries have a lot stronger

firearms laws than we do. Whether they enforce them or not is sometimes another story, but it's just very difficult for a private citizen to acquire a gun in, say, Mexico. It's not so difficult for that citizen to come across the border and buy one, or have a friend buy one, along the border in one of our Southwest states.

LEN: One report said it took ATF 14 minutes to trace the gun used in the assassination attempt against President Reagan in 1981. Given the changes in record-keeping requirements brought about by last year's firearms legislation, how long would such a trace take today?

HIGGINS: Well, if it took 14 minutes then, I suspect we'd do it in 14 minutes today. In terms of the kinds of records that were involved then versus what has to be

who aren't required to have licenses under the new act but who still get them for that reason. It changes some of the record-keeping for people who are now collectors, in terms of their transactions; they won't be required to keep certain records of things that are going on.

LEN: Could that make traces more difficult in the long run?

HIGGINS: It creates the potential that a person could be transferring guns into their private collection and then waiting some period of time before selling those guns to somebody, and those guns are then used in crime. There's some provisions in that law that says you have to wait a year, I believe, so if we found a pattern of somebody transferring to their collection for a year and a day and then we were tracing guns used in crime and we found 10 or so that we could trace back to a dealer who went into his private collection for them, I'd think we would have a pretty strong case to bring against him. That wouldn't help with the fact that no record would exist of who he sold it to. But to answer your question of whether it could be more difficult, the answer is yes, it could. We'd only be speculating as to whether that will turn out to be a problem. I don't know that it will.

See, the way we do traces is we start with the manufacturer or the importer who first introduced the gun into trade. We have the serial number of the gun and we take that back and find out when it was manufactured, and we get the date and find out who that gun was sold to. It either goes to a distributor or wholesaler or directly to a retailer, or even to another manufacturer in some cases. We'll take it to the next step and find out who they sold it to. We can take it down through the paperwork to the first retail purchaser. We can go to a gun shop that sells guns retail and find out from a Form 4473 who that gun was sold to. If he transfers the gun to his personal collection and sells it after a year, it'll show as a disposition to his personal collection, but there would be no record of what happened to it then.

LEN: What sort of relationship does your agency have these days with the National Rifle Association?

HIGGINS: I wouldn't want to say that they love us or we love them, because we don't think of the relationship in those terms. We've tried to develop a relationship — not only with them but with any group that's interested in the laws that we enforce. Heaven knows they know

"I wouldn't want to say that the NRA loves us or we love them, because we don't think of the relationship in those terms. Hopefully there's some degree of mutual respect."

kept now after S.49, there would still be the same record filled out in the pawn shop now as there was then. So that wouldn't be one of the areas that was impacted by S.49.

LEN: What areas were affected?

HIGGINS: One of things — whether it's good or bad — is the change in the definition of a gun dealer. There are some 270,000 dealers now. In some of the cases we make there aren't licensed dealers, and the question is whether or not they should be, and how do you define that. We've basically said that it should be defined as somebody who's in the business and makes repetitive sales and tries to seek a profit. This new statute pretty much narrows down who it is, so that they have to be in it for a business and the likelihood of profit. So it's eliminated some of the people who might have been dealers before. If you're just selling to a friend and you're not doing it to make a profit and it's not a continuing business, now you don't need a license. Before there could have been a question. The law also affected other things like the movement of guns through various states, irrespective of state law. That's not so much of a drawback; it may be for some states who feel that they have their laws pre-empted.

Paper shredding

LEN: Has there been any considerable reduction in paperwork for you as a result of S.49?

HIGGINS: Well, I hesitate on the question because even now a number of people will get licenses who really don't need them. If you have a license sometimes you can order various things at a cheaper price because you're a dealer and you get a dealer discount. Some people, I suspect, who are really not true dealers will continue to do that. So there will continue to be some people

our guidelines, because they can get everything through the FOI [Freedom of Information Act]. They know almost every kind of directive we have in our manuals. If they see something we do that seems to be a deviation from our stated policies, or it doesn't seem to square with things that I or others have said as to how we enforce the law, we've kind of said to them, "If you see that happening, if you will ask us, to the extent that we can tell you what's happened — if it's not a continuing investigation — we'll look into it and we'll tell whether what we think we've done is in accordance with guidelines, or if you've found something that we should change." If we're doing something that needs to be changed, we're better off changing it when we first find out about it, rather than waiting for the thing to develop until it reaches a hearing or something. That doesn't mean they like us, but I think they're at least willing to ask questions first before they come out. They may not agree with us and they may decide they need to take it further beyond that. I suppose they have various agendas that they follow which preclude their ever agreeing with us, and they'll continue to use us to position themselves better. To that extent it's never going to be a real smooth relationship, but hopefully there's some degree of mutual respect.

Strange bedfellows

LEN: The NRA, which has at times called for the dissolution of ATF, came to your agency's defense, in a manner of speaking, in the early 1980's when it appeared that ATF might be zeroed out of business and your firearms-regulating function would be turned over to the Secret Service...

HIGGINS: I was here when we were supposed to be going out of business, and I saw what appeared to be a continuation on Page 12

LEN interview: ATF director Stephen Higgins

Continued from Page 11

turnaround in terms of how they viewed the wisdom of eliminating us. They decided that maybe it would be preferable to have ATF enforce these laws, rather than the Secret Service. I could probably speculate as well as anybody about why they did that, and it may have been more complicated than any of the press reports indicated. I don't remember reading in any of those reports that they said we were the greatest thing since sliced bread. I think if anything they described us as the lesser of two evils, and that's a slightly different recommendation.

LEN: Since ATF is the only agency authorized to have access to the records of gun manufacturers, what kind of relationship does the bureau have with these people?

HIGGINS: We have a good relationship with the manufacturers. None of them want to have their guns misused, and none of them take any credit if we were to look at our traces and find out which guns are most used in crimes. Of course, there's not a lot they can do about it, because they can't control how they're ultimately used. But none of them like that kind of publicity. They're very helpful to us. I told you we trace 38,000 guns a year, and we've been doing it for years. That involves calls from us to the manufacturers, and they've got to have somebody go back in the files and look for where these records came from, a lot of times searching through a lot of records. They put out a lot of time for us. We audit their records regularly, and they better have their records complete. We audit them two ways: we see what they're shipping and we work back from the wholesalers and retailers to be sure that they show the same records. So we audit them closely, but they're very cooperative, and they spend a lot of time providing a free service for tracing.

LEN: It was reported that ATF was flooded with applications for machine gun licenses by people trying to beat the deadline imposed by S.49. Just how many such requests did you get?

HIGGINS: I think we got about 100,000 that came in. When you look at the base of ones we already had registered, that represents a big number. We had a cutoff date, and we tried to process everything that was filed by May 19, I think it was. We had to send people out as quick as we could to see whether or not those guns actually existed on May 19. What we found is that people prospectively filed large numbers of requests, hoping that they could slip by, because the price of machine guns would go up after that date. I think we ended up rejecting roughly half of the applications; about 50,000 didn't get approved because the guns didn't exist.

LEN: What sort of person applies for a machine gun license?

HIGGINS: I assume that they're held by people who just like to collect guns. Some people I know go out and shoot 'em for sport, I guess; there are places down in Georgia and Texas where you can go in and rent a machine gun and shoot. I've seen reporters who go and do that and they say there's something exciting about doing that. It doesn't excite me.

Guns and drugs

LEN: How did ATF come to be a part of the Justice Department's Operation Alliance, an anti-drug operation?

HIGGINS: Operation Alliance is our most recent undertaking, and in most of these we go in because of the statutes that we enforce. Whether it be drugs or whatever, generally these people are either felons who can't legally possess guns, or else they have machine guns because they want to protect themselves and their large sums of money, or they're willing to swap guns for drugs. So there's a tremendous potential for us to go in and use our statutes to work with other agencies, and sometimes make a case where it would be very difficult to find these people actively trading drugs or catch them with the drugs. Sometimes they're much less careful with firearms and we're able to make cases. It's kind of like using income tax statutes to get Al Capone. It wasn't so easy to catch him otherwise.

Another task force that we're with, which we're just



One breed of law enforcement officer that can typically be found in a uniform consisting of coveralls and a hard hat: arson investigators from ATF, seen here at the scene of a major fire.

Courtesy ATF

now getting off the ground, deals with armed career criminals. Under a new law, if a person is convicted of three or more burglaries or robberies, there are enhanced penalties and we can go after them. Sometimes, by the same token, it's easier to catch them with a gun than it is to wait until they commit another robbery or burglary. So we're working with a number of cities now, and hopefully we'll be working with more as time passes.

LEN: How would you rate the success of Operation Alliance thus far?

HIGGINS: Like everything else, it's too early to tell because the real telling investigations are those that sometimes take months or even years. So I think it's probably not wise to look for short-term numbers and get any consolation or concern from them. I think the potential is there. If you can get every government agency that's involved to work well together, then you've really got something.

LEN: Have the Mexicans been generally cooperative?

HIGGINS: Well, yeah [laughs]. I know how some other

people might answer that question, but from my own standpoint they've been cooperative, although they could be providing us with even more information. They have more motivation to be cooperative. If they don't furnish us with the serial numbers of the guns that are going down there and don't tell us what's showing up in crime down there, we can't help them shut off the firearms sources in this country. So it's to their own self-interest to give us those things and cooperate by giving us names and serial numbers. They've begun to do that. So from our standpoint I'd say they're cooperative. I wouldn't want to speak to other people's perspectives, because I don't really know.

LEN: When it comes to gun-running, what are the jurisdictional boundaries between ATF and Customs?

HIGGINS: Sometimes they get blurred. I'm sure that sometimes it results in one agency doing what the other probably should have done, and vice versa. We've tried to coordinate as best we can. Generally there's always going to be a violation of our law involved in most of the cases we're working, and in some number of those cases there is also going to be a violation of the Customs laws.

LEN: It would seem that in some cases those gray areas are better for efficiency than having everything laid out in strictly black-and-white terms...

HIGGINS: As good as some of those memos of understanding are, and we've got them with the FBI, the Postal Service and others, some things just can't be cubed. I guess all we really care about is good faith. If it's one of those kind of things where it's expedient to go ahead, then we're not going to get hurt feelings if somebody else works one of our cases. If we were to see it as a pattern, because somebody was simply trying to expand their jurisdiction into areas they didn't have, then we'd be concerned.

LEN: Assistant Attorney General Stephen Trott told a House committee last year that most organized drug enterprises have used illegal automatic weapons and explosives. Are there other kinds of relationships between drugs and guns that you have detected?

HIGGINS: You get swaps of guns for drugs. We've tried to focus a little because there are just too few resources and too many bad people to get. I've seen some statistics from the Organized Crime Drug Enforcement Task Forces that said we were involved in 40 percent of all task force cases — that is, 40 percent of

Continued on Page 14

"I don't want to say that the moonshiners are out of business. A lot of them are now in drugs. It's easier work and there's more money involved."

Minneapolis eyes 911 calls

Continued from Page 3
cluding shoplifting and alarm runs.

Traffic problems were found to account for 18.6 percent of the calls to the 911 emergency number, and 13.2 percent were for service, including individuals locked out of their cars and medical aid.

"By letting each citizen decide whether a matter is appropriate for police work," Sherman said, "we make it impossible for police to decide which matters to investigate. In some cities, homicides literally go uninvestigated while police cars respond rapidly to help people locked out of their cars."

In addition, the report found that 911 does not help diminish crime in chronic-call locations. Because the same amount of time is given to each call, even if it is produced from a chronic location, no extra time is allotted for trying to reduce those areas' heavy demands on police service.

In addition to tracking the patterns and concentrations of repeat calls in the city, the study also analyzed the impact of a select unit of police officers assigned full time to "proactive policing of the most chronic locations in the city."

The RECAP unit, an acronym for Repeat Call Address Policing,

'In some cities, homicides go uninvestigated while police respond rapidly to people locked out of cars.'

has already examined all the calls at each chronic location and is working in conjunction with store owners, managers and residents to find a way to reduce the problems that lead to the calls.

The unit, which will be operated experimentally for six months, is composed of five police officers under the leadership of Minneapolis police Sgt. Alva Emerson. "We will be trying," Emerson said, "to solve problems rather than just patching them over." It makes more sense, the sergeant noted, to speak to property owners and try to resolve a problem than to answer 30 noisy party complaints a year.

According to Sherman, a great deal of repeat emergency calling can be reduced by assigning a RECAP unit to diagnose the problems that generate the calls and planning some sort of action to reduce those problems. In addition, the unit would help implement the action plan and follow up on repeat call rates to check the measure's success.

Perhaps for the first time in the history of the department, said

Sherman, "there is a bottom line, profit or loss statement that will show at the end of the experiment."

With approximately 400 patrol officers handling 321,000 calls annually, each officer will deal with about 800 calls a year — about four per work day. In order to justify being transferred to RECAP from patrol, the report said, an officer would have to "reduce calls by five times 800, or 4,000 calls, on an annualized basis." Anything more than that, according to the report, could be considered "profit," anything less could be seen as a "loss."

In the several weeks that the experimental RECAP unit has been in operation, the unit developed information that led to the largest heroin seizure in the city in recent years. Members of the unit also convinced the management of a discount store that was the number-one producer of 911 calls last year — accounting for 800 — to hire an off-duty officer to book shoplifters rather than summoning a patrol car.

Supreme Court upholds quotas for promotion of black Alabama troopers

Continued from Page 1
sating for past discrimination.

The promotional quota upheld by the Court was decried as "wholly arbitrary" and "profoundly illegal" by U.S. Solicitor General Charles Fried. Through a spokesman, Fried said he was disappointed by the Court's decision and that he agreed with dissenting Justices.

Like Fried, Justice Sandra Day O'Connor said that while Alabama was guilty of an "egregious history of discrimination," the lower court's order was not "narrowly tailored" enough

to stand up to the criteria handed down by the Court last year.

The promotional quota, said O'Connor, put an undue burden on white troopers seeking promotion.

"The one-for-one promotion quotas used in this case far exceeded the percentage of blacks in the trooper force, and there is no evidence in the record that such an extreme quota was necessary," wrote O'Connor.

However, it was Justice Brennan who prevailed with his view that since 25 percent of the people

qualified to be state troopers are black, a temporary use of the one-for-one "catch-up" quota for promotions was justified because it would help speed up the day when blacks occupy 25 percent of the department's upper echelons.

The 50-percent quota "does not disrupt seriously the lives of innocent individuals," concurred Justice Powell, although some promotions of white troopers may be delayed. The plan is not as harsh, he said, as requiring the layoff of white troopers before less-senior blacks.

Task force urges new approaches, enhanced training for Philly police

Continued from Page 1
employees should include no-strike commitments.

The task force also recommended that the department encourage advanced training and education for its officers.

The department should resume its advanced in-service training program as quickly as possible, the report said, and all sworn employees should be required to attend 40 hours of advanced in-service training a year.

The Promotion Board and Transfer Board should view outside education and training as positive factors in decisions concerning promotions, assignments

and transfers, the report said.

Changes in the police department's residency requirements were proposed by the task force in an effort to insure that the highest caliber of applicant is being recruited. As envisioned by the task force, the rule should be changed from residency of one year to residency at the time of appointment.

Moreover, candidates with higher education, military experience or successful work experience should be "aggressively recruited."

Alterations at two ends of the patrol officer grade were recom-

mended by the task force, including the creation of a pre-service police cadet corps to assist sworn personnel, and the establishment of a grade of Master Patrol Officer, to encourage and reward those who excel at the patrol rank.

A career development plan that would create a Master Patrol Officer grade has already been developed by the Citizens Crime Commission of Delaware Valley, at the request of Commissioner Tucker. The new grade would have service, education and training prerequisites, and would come with a salary increase.

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Jobs

State Trooper. The Michigan State Police is accepting applications for the position of State Trooper I. Applicants must be U.S. citizens and Michigan residents for one year prior to taking the written exam. Applicants must also possess a valid Michigan driver's license and be of good moral character (no felony convictions).

Other qualifications include: age between 21 and 36; height proportionate to weight; vision 20/50 correctable to 20/20; possess high school diploma or the equivalent.

All applicants must take a comprehensive written exam and six-event agility test. Other testing includes a physical exam and oral interview.

Starting salary is \$9.58 per hour, increasing to \$12.17 per hour after one year. Benefits include life, health, dental and optical insurance; 13 days paid vacation; 11 paid holidays; overtime pay for court time and holidays; uniforms furnished by department.

For more details, contact: Special Programs Section Office, Michigan State Police, 714 South

Harrison Road, East Lansing, MI 48823.

Police Officers. The Largo, Fla., Police Department is accepting applications on a continuous basis. The 105-member police department serves a Gulf Coast community of approximately 65,000 residents.

Applicants must be U.S. citizens of good moral character with no felony convictions involving moral turpitude. In addition, applicants must be at least 19 years old, in excellent health, with weight proportionate to height and vision not worse than 20/50 uncorrected. Applicants must have at least 45 college credit hours (60 hours as of Oct. 1, 1987).

Pre-employment screening includes written exam, physical agility test, physical exam, polygraph, psychological evaluation, oral interview and extensive background investigation.

Starting salary is \$18,012 per year, plus educational incentive pay and excellent fringe benefits.

For more information, write or call: David L. Deskins, Professional Standards Officer, Largo

Police Department, 100 E. Bay Drive, Largo, FL 33540. (813) 586-2666.

Director of Public Safety. The city of Greenville, Mich., population 8,500, is seeking an experienced administrator. The consolidated department operates within a council-manager form of government, and has full-time staffing that includes all public safety officers, six sergeants, four administrative and support staff plus 24-hour dispatch center. Part-time staff includes reserve and volunteer firefighters. Annual budget is slightly greater than \$1 million.

Applicants must have proven administrative skills, experience in a progressive police and/or fire department, strong oral and written communication skills, experience in program development and implementation and strong leadership qualities. Salary for the position is \$37,108.

To apply, send resume with salary requirements to: City Manager, 411 S. Lafayette Street, Greenville, MI 48838. Envelope should be marked "Public Safety Director Candidate." Deadline for applications is April 1, 1987.

Manager, Testing Services. The International Association of Chiefs of Police is seeking an individual who will be responsible for testing services, including entry level, promotional and assess-

DEPUTY SHERIFF

The Monroe County Sheriff's Department in Key West, Fla., is recruiting for the position of Deputy Sheriff. Responsibilities are to provide law enforcement and related services to Monroe County. Contact the Human Resources Division at (305) 292-7044 for more information. Currently state certified individuals preferred. EEOC/Affirmative Action.

POLICE CHIEF

Police Chief, Glastonbury, CT. Pop. approx. 26,000. Manages department of 47 sworn officers, total department 63 personnel. Directs and supervises the organization, development and operation of the Police Department, which was accredited in 1986. Works under administrative direction of Town Manager. Knowledge of modern principles and practices of police administration. The Town of Glastonbury supports community involvement by its officials and department heads. Accordingly, candidates should possess strong community relation skills in addition to technical competence and managerial skills. Graduation from an accredited college with a degree in law enforcement or related field, and not less than ten (10) years employment in an organized police force, the grade of Lieutenant or equivalent; or, in lieu thereof, an equivalent combination of experience and training.

Salary Range: \$36,267 to \$48,960.

Applications must be obtained from the Office of the Town Manager, 2155 Main Street, Glastonbury, CT 06033 and must be received by 4:00 P.M. or postmarked by Tuesday, April 21, 1987. AA/EOE/MF.

ment center processes.

Candidates must be results oriented, hard-working and energetic with the ability to lead a professional staff. Qualifications include a bachelor's degree (advanced degree related to testing, or practical experience in testing area may be substituted). Knowledge of law enforcement is preferred. A combination of higher education and work experience will be considered. Salary is commensurate with education, experience and responsibilities.

To apply, send resume to: Personnel Officer, IACP, 13 Firstfield Road, Gaithersburg, MD 20878. AA/EOE.

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LEN interview: ATF's Stephen Higgins

Continued from Page 12

those cases involved firearms in some way. But over and above that there's a lot of work that goes on between DEA and ATF where we're talking about drug dealers who are either armed with machine guns — which is illegal — or they're protected by people who have illegal weapons, or they're felons in possession, which is illegal. So there's lots of connections and lots of ways to use the firearms laws, and to some extent the explosives laws. We've seen a lot more happening internationally where people go one way with drugs and the other way with guns. We see that across the Mexican border, and to a limited extent in some other countries.

LEN: What about the "A" in ATF? Are there still any significant problems with illegal stills?

HIGGINS: There are still some cases. It's a relatively low priority with us, and we've essentially told the state and local officials that if you come up to an activity that seems to be interstate in nature and if you'd like help to reach these guys, we'll help you. We still seize a few stills, but it's not many compared to what we used to get back in the late 60's, when it peaked. I don't want to say that the moonshiners are out of business. A lot of them are now in drugs. It's easier work and there's more money involved.

Spreading thin

LEN: How do you manage to deploy your 3,000 personnel to handle the arson, firearms and explosive problems plus alcohol and tobacco?

HIGGINS: That's why we have to prioritize what we do. When we go somewhere we can't turn out 40 agents, while other agencies may. We may turn out 2 or 3, but that represents a good response. Our agents have to be good at everything; they don't specialize. There are people with special areas of expertise, but no agent has to be able to work one day on an arson and the next day investigate some sort of firearms thing or maybe cigarette smuggling or an illegal still.

LEN: How do you allocate resources to the different areas under the ATF heading?

HIGGINS: About two-thirds of our resources are spent on our law enforcement programs, and one-third is spent on regulation and tax collection. Within the law enforcement area, two big programs are firearms and explosives, with firearms being about 40-some percent and explosives being slightly smaller than that. Maybe 5 to 6 percent goes to liquor and 1 percent or so to tobacco — cigarette smuggling. Basically the big programs are firearms and explosives, with arson being a sub-group of explosives.

LEN: Any idea yet what the impact of the Gramm-Rudman law will be on ATF?

HIGGINS: If it ever kicks in, it hurts every agency, and ATF is no exception. Any cut we get really hurts in terms of our programs. So if it kicks in — and even Congress is still coming to grips with that — we'll be hurting, and we'll have to continue being really selective. I'm sure it would cause us to do less arson investigations, and be even more selective with the National Response Teams. The one program that we're getting into that we'd probably have to back off from is the armed career criminal program, and I think that has really good potential. Those are people that we ought to be getting off the streets, because they're the ones who commit multiple crimes and are really a threat to the community. To some extent I'm sure we'd have to back away from Operation Alliance too. It'd be a shame if it happened in any of those areas, and I'm hopeful that it won't. But I'm also mindful of the fact that there's a lot of other agencies competing for limited money.

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Upcoming Events

MAY

17-18. Police Officer Survival Tactics. Presented by the Traffic Institute. To be held in Camden, N.J. Fee: \$75. For information and registration, write or call: Det George Joyner, Camden Police Department, 800 Federal Street, Camden, NJ 08101. (609) 757-7425.

17-23. Providing Protective Services. Presented by Richard W. Kobetz & Associates Ltd. To be held in Winchester, Va. Fee: \$2,300.

18-20. Professional Polygraph Seminar. Presented by The National Training Center of Polygraph Science. To be held in New York. Fee: \$125.

18-20. Introductory Microcomputer Workshop for the Police Manager. Presented by the Institute of Police Technology & Management. Fee: \$325.

18-20. The Reid Technique of Interview & Interrogation. Presented by John E. Reid & Associates Inc. To be held in Lakewood, Colo. Fee: \$450.

18-22. Police Training Officer Seminar. Presented by the Institute of Police Technology & Management. Fee: \$325.

18-22. Police Administration & Management Seminar Series. Presented by the Criminal Justice Center Police Academy, Sam Houston State University. Includes: Introduction to Management & Supervision; Personnel Recruitment, Selection & Promotion; Costing Police Services & Budget Preparation; Legal Liabilities Update for Supervisors; Employee Discipline, Grievances & Labor Relations. To be held in Huntsville, Tex. Fee: \$60 for each day, or discounted rate of \$275 for all five days.

18-22. Field Training Officer Seminar. Presented by the Institute of Police Technology & Management. Fee: \$325.

18-22. Microcomputer Workshop for Police Applications. Presented by the Institute of Police Technology & Management. Fee: \$450.

18-29. 7th Advanced Administrative Officers Course. Presented by the Southern Police Institute. To be held in Louisville, Ky. Fee: \$500.

19-20. Methods of Interview & Interrogation. Presented by the Criminal Justice Center, John Jay College of Criminal Justice. Fee: \$150.

19-20. Realistic Assailant Control. Presented by Calibre Press. To be held in Nashville. Fee: \$195.

19-21. Sects, Cults & Deviant Movements. Presented by the Institute of Police Technology & Management. Fee: \$295.

19-21. The Public Safety Concept for Administrators. Presented by the International Association of Chiefs of Police. To be held in Washington, D.C.

20-21. Psychological Screening for Law Enforcement Personnel. Presented by the Institute of Police Technology & Management. Fee: \$250.

20-22. International Conference on Corrections & Law Enforcement Training. Co-sponsored by the University of Miami School of Continuing Studies and the Southeast Florida Institute of Criminal Justice. To be held in Miami. Fee: \$295.

20-22. Elder Abuse: Identification, Intervention & Prevention. Presented by the Training Resource Center Project, Eastern Kentucky University. To be held in Richmond, Ky.

21. Surveillance. Presented by the Criminal Justice Training & Education Center. To be held in Toledo, Ohio.

25-29. Vehicle Dynamics. Presented by the Traffic Institute. Fee: \$350.

25-29. Microcomputer Programming with a Data Base Management System. Presented by the Institute of Police Technology & Management. Fee: \$575.

26. Recognizing Suicide Danger Signs. Presented by the Criminal Justice Training & Education Center. To be held in Toledo, Ohio.

27-29. Street Survival II. Presented by Calibre Press. To be held in Rochester, N.Y. Fee: \$110 (all three days); \$75 (first two days only); \$50 (third day only).

27-26. Investigative Technology. Presented by Richard W. Kobetz & Associates Ltd. To be held in New York. Fee: \$350.

27-29. Administration, Management & Supervision of a Field Training Officer Program. Presented by the Institute of Police Technology & Management. Fee: \$295

28-29. Counterterrorism Driving. Presented by the Pan Am Institute of Public Service. To be held in Gainesville, Ga. Fee: \$425.

28-29. Arrest Procedures. Presented by the Police Foundation's Police Liability Assistance Network. To be held in Chicago. Fee: \$300.

31-June 6. "Transportation Policing, The Past, The Present & The Future." The 18th Annual Conference of the International Association of Airport and Seaport Police. To be held in Miami, Fla. Registration fee: \$200 (association members); \$250 (nonmembers). Contact: George R. Havens, Criminal Investigations Division, State Attorney's Office, 1351 N.W. 12th Street, Room 906, Miami, FL 33125.

JUNE

1-2. Corporate Aircraft Security. Presented by Richard W. Kobetz & Associates Ltd. To be held in Winchester, Va. Fee: \$350.

1-3. Hostage Negotiations for Law Enforcement. Presented by the International Association of Chiefs of Police. To be held in Nashville.

1-5. Microcomputer Workshop for Traffic Supervisors. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$450.

1-5. Police Medical Investigation of Death. Presented by the International Association of Chiefs of Police. To be held in Miami.

1-5. Strategic Reaction Team Training I. Presented by the Pan Am Institute of Public Service. To be held in Gainesville, Ga. Fee: \$425.

1-5. DWI Instructor Course. Presented by the Institute of Police Technology & Management. Fee: \$325.

1-5. Corporate Loss Prevention. Presented by the National Crime Prevention Institute. To be held in Louisville, Ky. Fee: \$325.

1-5. Street Survival II. Presented by Calibre Press. To be held in Chicago. Fee: \$110 (all three days); \$75 (first two days only); \$50 (third day only).

1-5. Investigative Technology. Presented by Richard W. Kobetz & Associates Ltd. To be held in New York. Fee: \$350.

1-5. Corporate Loss Prevention. Presented by the National Crime Prevention Institute. To be held in Louisville, Ky. Fee: \$325.

1-5. Narcotic Identification & Investigation. Presented by the Institute of Police Technology & Management. Fee: \$350.

1-5. Homicide Investigation. Presented by the Southern Police Institute. To be held in Louisville, Ky. Fee: \$500.

1-5. Police Internal Affairs. Presented by the Institute of Police Technology & Management. Fee: \$325.

1-5. Street Survival II. Presented by Calibre Press. To be held in Chicago. Fee: \$110 (all three days); \$75 (first two days only); \$50 (third day only).

1-5. Contemporary Terrorism. Presented by Richard W. Kobetz & Associates Ltd. Fee: \$350.

1-5. Clandestine Lab Investigation. Presented by the Institute of Police Technology & Management. Fee: \$325.

1-5. The Reid Technique of Interviewing and Interrogation. Presented by John E. Reid & Associates Inc. To be held in Honolulu. Fee: \$450.

1-5. Telecommunication Operations & Management. Presented by the International Association of Chiefs of Police. To be held in Denver.

1-5. Institutional Crime Prevention. Presented by the National Crime Prevention Institute. Fee: \$250.

1-5. Microcomputer Assisted Traffic Accident Reconstruction. Presented by the Traffic Institute. Fee: \$500.

1-5. Automated Crime Analysis. Presented by the Institute of Police Technology & Management. Fee: \$475.

1-5. Police Artist Workshop: Composite Drawing. Co-sponsored by the Institute for Environmental and Forensic Sciences and the Georgia Police Academy. To be held in Atlanta. Fee: \$350. Contact: Dr. Ed Waldrip, University of South Alabama, College of Medicine, 2451 Fillingim Street, Mobile, AL 36617. (205) 471-7780.

1-5. Comprehensive Police Intelligence Management. Presented by the International Association of Chiefs of Police. To be held in San Diego.

1-5. Crime Analysis II. Presented by the International Association of Chiefs of Police. To be held in Denver.

1-5. Realistic Assailant Control.

Presented by Calibre Press. To be held in Amherst, Mass. Fee: \$195.

17-18. Hostage Negotiations. Presented by Richard W. Kobetz & Associates Ltd. To be held in Winchester, Va. Fee: \$350.

17-19. Officer Survival. Presented by the Pan Am Institute of Public Service. Fee: \$195.

22-23. Introduction to Microcomputers for Police. Presented by the Traffic Institute. Fee: \$250.

22-23. Investigative Technology. Presented by Richard W. Kobetz & Associates Ltd. To be held in Winchester, Va. Fee: \$350.

22-24. Developing School Drug Education Programs. Presented by the International Association of Chiefs of Police. To be held in San Diego.

22-24. Bicycle Law Enforcement. Presented by the Institute of Police Technology & Management. Fee: \$295.

22-25. Advanced Hostage Negotiation. Presented by the Traffic Institute. Fee: \$400.

22-26. General Telecommunications & NCIC/TCIC Procedures. Presented by the Criminal Justice Center Police Academy, Sam Houston State University. No fee. Limited enrollment.

22-26. Investigation of Sex Crimes. Presented by the Southern Police Institute. Fee: \$300.

22-26. Retraining '87 for NCPI Graduates. Presented by the National Crime Prevention Institute. Fee: \$325.

22-26. First Responder Emergency Care for Law Enforcement Officers. Presented by the Criminal Justice Center Police Academy, Sam Houston State University. Fee: \$95.

22-Aug. 26. School of Police Staff & Command. Presented by the Traffic Institute. Fee: \$1,800.

24-25. Uniform Crime Reporting School. Presented by the Criminal Justice Center Police Academy, Sam Houston State University. No fee. Limited enrollment.

24-26. Use of Microcomputers for Police Records Management. Presented by the Traffic Institute. Fee: \$350.

24-28. Seminar on Gangs. Presented by the California Gang Investigators Association. To be held in Anaheim, Calif. Fee: \$85.

24-26. Street Survival II. Presented by Calibre Press. To be held in Universal City, Calif. Fee: \$110 (all three days); \$75 (first two days only); \$50 (third day only).

26-28. Workshop for Recently Appointed Chiefs: Part II. Presented by the International Association of Chiefs of Police. To be held in San Antonio.

28-July 2. Vehicular Homicide/DWI Conference. Presented by the Traffic Institute. Fee: \$340.

29-July 1. DWI Standardized Field Sobriety Testing. Presented by the Institute of Police Technology & Management. Fee: \$200.

JULY

6-17. Technical Accident Investigation. Presented by the Traffic Institute. To be held in Evanston, Ill. Fee: \$550.

7-8. Deadly Force & Judgmental Shooting. Presented by the Pan Am Institute of Public Service. To be held in Gainesville, Ga. Fee: \$175.

9-12. Meeting of the Commission on Accreditation for Law Enforcement Agencies. To be held in Oakland, Calif.

10-11. Motorcycle Accident Reconstruction. Presented by the Traffic Institute. Fee: \$225.

13-14. Organizing an Effective Field Training Officer Program. Presented by the International Association of Chiefs of Police. To be held in Atlanta.

13-14. Investigative Technology. Presented by Richard W. Kobetz & Associates Ltd. To be held in Boston. Fee: \$350.

13-15. Comprehensive Police Intelligence Management. Presented by the International Association of Chiefs of Police. To be held in San Diego.

13-15. Crime Analysis II. Presented by the International Association of Chiefs of Police. To be held in Denver.

16-17. Realistic Assailant Control.

Broward County Criminal Justice Institute, Broward Community College, 3501 S.W. Davie Road, Ft. Lauderdale, FL 33314. (305) 475-6790.

Calibre Press, 666 Dundee Rd., Suite 1607, Northbrook, IL 60062

California Gang Investigators Association, P.O. Box 1026, Burbank, CA 91507.

Center for Criminal Justice, Case Western Reserve University, Cleveland, OH 44106. (216) 368-3308.

Commission on Accreditation for Law Enforcement Agencies, 4242B Chain Bridge Road, Fairfax, VA 22030. (703) 352-4225.

Criminal Justice Center, John Jay College of Criminal Justice, 444 West 55th Street, New York, NY 10019. (212) 247-1600

Criminal Justice & Public Safety Training Center, 3055 Brighton-Henrietta Town Line Road, Rochester, NY 14623-2790. (716) 427-7710.

Criminal Justice Training and Education Center, Attn: Ms. Jeanna L. Klein, 2025 Arlington Avenue, Toledo, OH 43609. (419) 382-5665.

Eastern Kentucky University, Training Resource Center, 105 Stratton Building, Richmond, KY 40475. (606) 622-1155.

Florida Department of Law Enforcement, Organized Crime Institute, P.O. Box 1489, Tallahassee, FL 32302. (904) 488-1340.

Florida Institute for Law Enforcement, St. Petersburg Junior College, P.O. Box 13489, St. Petersburg, FL 33733.

Institute of Police Technology & Management, University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216

International Association of Chiefs of Police, 13 Firstfield Road, Gaithersburg, MD 20878. (301) 948-0922; (800) 638-4086.

International Association for Hospital Security, P.O. Box 637, Lombard, IL 60148. (312) 953-0990.

Kent State Police Training Academy, Stockdale Safety Building, Kent, OH 44242. (216) 672-3070.

National College of Juvenile Justice, P.O. Box 6970, Reno, NV 89507. (702) 784-6012.

National Conference on Missing & Exploited Children, Attn: Timothy J. DaRose, Conference Manager, 201 East Adams Street, Suite 300, Springfield, IL 62701.

National Crime Prevention Institute, School of Justice Administration, University of Louisville, Louisville, KY 40292.

National Intelligence Academy, Attn: David D. Barrett, 1300 Northwest 62nd Street, Ft. Lauderdale, FL 33309. Telephone: (305) 776-5500.

National Training Center of Polygraph Science, 200 West 57th Street, Suite 1400, New York, NY 10019. (212) 755-5241.

New England Institute of Law Enforcement Management, Babson College, Drawer E, Babson Park, MA 02157.

Pan Am Institute of Public Service, 601 Broad Street, S.E., Gainesville, GA 30501. 1-800-235-4723 (out of state); 1-800-633-6681 (in Georgia).

Police Executive Development Institute (PDEX), The Pennsylvania State University, S159 Human Development Building, University Park, PA 16802. (814) 863-0262.

Traffic Institute, 555 Clark Street, P.D. Box 1409, Evanston, IL 60204

University of Colorado at Denver, Law Enforcement Executive Program, Attn: George Hagevik, Program Director, 1100 14th Street, Campus Box 133, Denver CO 80202. (303) 566-4840.

University of Miami, School of Continuing Studies, P.O. Box 248005, Coral Gables, FL 33124. (305) 284-4000.

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Bias-motivated crimes may be the work of white-supremacist hate groups or roving teenagers, they may target blacks, Jews, Asians or gays, but the net result is the same: an insidious plague that "rips at the fabric of American society." LEN looks at the problem in a special three-part series, **on Page 1.**

The hate factor:



Who are those guys, anyway?

Name-recognition problems aside, the next time you're faced with a complex arson, bombing or firearms case, the only three letters you need to know are "ATF." The Treasury agency's director explains it all for you in an interview **on Page 9.**

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